

S T A T E  
T R A C T S:  
Being a Farther  
C O L L E C T I O N  
O F  
Several Choice Treatises  
Relating to the  
G O V E R N M E N T.

From the Y E A R 1660. to 1689.

Now Published in a Body, to shew the Necessity, and clear the Legality of the Late R E V O L U T I O N, and Our present Happy S E T T L E M E N T, under the Auspicious Reign of Their M A J E S T I E S,

King WWilliam and Queen Mary.

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L O N D O N:

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University of

## PREFACE to the READER.

**T**HE Main and Principal Design of making this following Collection, was to preserve entire in this Second Volume some other Excellent Tracts, of equal esteem and value with the former, (which made that Book so much obtain among the Learned and Curious, as that the whole Impression of it is already near sold;) And as it cannot but be very entertaining to Us in the reading of them, who do yet so sensibly remember what we then felt, and looked for worse to fall on us every day than other; so it will certainly be of great Benefit and Advantage to our Posterities in future, who may considerably profit themselves by our Misfortunes.

This is a Collection, that in the general will set forth the true and Legal Constitution of our Ancient, Famous English Government, which, 'of all the Countries in Europe, where I was ever acquainted, (says the Noble Lord of Argenton) is no-where so well managed, the People no-where less obnoxious to Violence, nor their Houses less liable to the Desolations of War, than in England, for there the Calamities fall only upon the Authors.

'Twas a true Observation that this Great Man made of the Justice of our Gallant Ancestors in his days; how miserable the Successive Generations have deviated from the virtue of their steps, how much the strict Piety of their Manners, and the noble Bravery of their Spirits, Tempers and Complexions, have been enervated and dissolved by the later looseness, supine carelessness and degeneracy, the present Age hath great reason to bewail; and, 'tis hoped, that those to come will be hereby cautioned to grow wiser and better by those past Follies and Miscarriages. In particular, Here will be seen the dangerous Consequences of keeping up a standing Army within these Kingdoms in a time of Peace, without consent of Parliament.

The Trust, Power and Duty of Grand Juries, and the great Security of English-mens Lives, in their faithful discharge thereof.

The Right of the Subject to Petition their King for Redress of their Wrongs and Oppressions, and that Access to the Sovereign ought not to be shut up in case of any Distresses of his People.

The Spring of all our late private Mischievous Councils and Cabals, and the Special Tools that were thought fittest for Preference, to be employed (under a colour of Authority) to put all those concerted Designs in motion and execution.

The Parliament's Care in appointing a Committee to examine the Proceedings of the Forward and Active Judges upon several Cases that were brought before them of grand importance to the Commonwealth, Peace and Safety of the Nation; and the Resolution of the House of Commons (upon their Report) That the Judges said Proceedings were Arbitrary and Illegal, destructive to Publick Justice, a high and manifest Violation of their Oaths, a Scandal to the Reformation, an usurpation of the Legislative Power to themselves, and a means to subvert the Fundamental Laws of this Kingdom.

And the several Grievances that this Nation hath long been labouring under, for the Advancement of Popery, Arbitrary Dominion, and the unmeasurable Growth and Power of France.

There are likewise interspersed in this Volume several Matters of Fact relating to the Male-Administration of Affairs in Scotland, under Duke Lauderdale, and his Favourites; as also a Large and Faithful Account of the late Earl of Argyle's Trial, Escape and Sentence, with divers other things for the better clearing of his Case.

In a word, This Collection will discover to us the Mysteries of the Monarchy in the two Late Reigns, and the Abused Trust of Government in those Princes, by a Dispensing Power both in Ecclesiastical and Civil Matters, to Tyrannize over their Subjects; who in the mean while were taught, by some Passive-Obedience and Non-Resistance Doctrine-holders, That all their Duty was tamely to submit to, and patiently sigh under their daily Sufferings and Oppressions; and, I think we bore them so long, till we were within one throw more of losing all our good old Laws and Constitutions, and even the Government it self.

Our Miseries were lately so great and many, (as you will find here) that it is impossible for any one better and more fully to express them, than in the words of a very Learned and Judicious Author, who hath thus given us a just and lively Representation of them.

'Our Laws (says he) were trampled under foot, and upon the matter abolished, to set up Will and Pleasure in their room, under the Cant and Pretence of Dispensing Power. Our Constitution was overthrown by the Trick of New Charters, and by closetting, and corrupting Members of Parliament. Men were required, under pain of the highest Displeasure, to consent, and concur to the sacrificing their Religion, and the Liberty of their Country. The worthiest, honestest, and bravest Men in England, had been barbarously murdered; and to aggravate the Injustice which was done them, all had been varnished over with a Colour of Law, and the Formality of Tryals; not unlike the Case of Naboth and Ahab. Those whom the Law declared Traitors, were, in defiance of the National Authority, introduced into our Councils, and the Conduct of Affairs put into their hands. Our Universities were invaded by open Force; those who were in the lawful possession of the Government of Colleges, turned out, and Papists sent thither in their room: And if that Attempt had thoroughly prospered, the Churches and Pulpits would soon have followed. It were vain to go about to enumerate Particulars. In a word, the Nation was undone. All was lost. The Judges were suborned, or threatened to declare, that the King was Master of all the Laws; and the Bishops were required to publish this New-created Prerogative in all the Churches of England by the Mouths of the Clergy; which when some of them refused to do, representing to the King, with the utmost submission and modesty, that neither Conscience nor Justice permitted them to do what he desired, they were prosecuted at Law, as if they had been guilty of some great Crime. Letters were written and intercepted, by which it appeared evidently, that the change of our Religion was determined, and that Popery was to be brought in with all speed, least the opportunity should

Memoirs of  
Philip de Com-  
mines, Kt. lib.  
5. cap. 18. p.  
334. in Ossa-  
no. Printed  
1674.

Some Consi-  
derations a-  
bout the most  
proper way  
of raising  
Money in the  
present Con-  
juncture. Prin-  
ted O<sup>o</sup> 1691.

‘should be lost. And for the better compassing this pious design, our Civil, and Parliamentary Rights were to be taken away, in Ordine ad Spiritualia. And when the Nation, and those who were concerned for it, being terrified by the greatness of the danger, would have compounded so far, as to have taken away the Penal Laws against Papists, and so have set them upon a Level with other English Subjects, provided the Test might have been continued, and the Government secured from falling into the hands of that Faction, all such offers were despised and rejected with scorn: Nor would anything content the Bigotry and Arbitrary humour of those who were then in the Saddle, less than the total enslaving of the Nation, and the Re-establishment of that Idolatrous Religion, from which our Ancestors had freed themselves with so much Bravery and Generosity in the beginning of the last Century.

In this deplorable Condition, His then Highness the Prince of Orange found these Kingdoms, when he came to relieve us from the greatest Oppressions; He heard the Voice of the People, who earnestly invited him over to their Rescue, and taking it (as undoubtedly it was) for the Voice of God, complied, and God hath made us All happy with the desired Success.

King's Speech  
to both Houses  
of Parliament,  
May 30.  
1685.

Had the late King James stuck firmly to the Interests of his People, He would thereby have easily secured his own; and, if they could have found He had had (what he assured both Houses of Parliament, in a Speech he made to them) ‘A true English heart, as jealous of the Honour of the Nation, as they themselves could be, he might have carried, by God's Blessing, and their Assistance, (as he then said) the Reputation of it yet higher in the World, than ever it had been in the time of any of his Ancestors: He wanted not some about him (as the first especially) that would gladly have given him faithful Counsel, Those that were able to advise him well, and were real Friends to Him, as they were true to their Religion, and to the Interest of their Country; and A Wise Man, for my incomparable Author, in a Prince's Retinue is a great Treasure, and Security to his Master; if one has the Liberty to speak truth, and the other the Discretion to believe him.

Memoirs of  
Philip de Comines,  
lib. 3.  
c. 5. p. 159.

But, unhappy Prince! He was resolutely bent, by the force of his own Superstition, the Power and Influence of the Priests and Jesuits that continually attended on him, and the Directions from France, upon the total Destruction of our Reformed Religion, (that Pestilent Northern Herefy) our Liberties and our Properties, and was upon the point of effecting that Tremendous Design; but God in his Wise Providence, with Infinite Mercy and Compassion to this almost Ruined Land and People, saw it meet to give check to that Imperial Career, with a hitherto shalt thou come, and no further.

#### HE REMOVETH KINGS, AND SETTETH UP KINGS.

In this Volume, you have a full Account of our late happy Revolution, with almost all the steps and measures that were taken in it, and a justification of our present Settlement. 'Twas God's doing and it ought ever to be marvellous in our eyes.

We have now a King and Queen professing the same Faith with our selves; who, as He came over to preserve our Dearest Interests, the Protestant Religion, and to restore to Us our invaded Law and Liberty, found the Nation generally disposed to receive him, as the Mighty Deliverer, and God, of this Church and State. The hand of Heaven conducted him with safety up to London, and all the Kingdom called him Blessed; and in a sense of Joy and Gratitude to Him and His Royal Consort, The whole Body of the Nation by their Representatives in Parliament, have recognized and acknowledged Their present Majesties to be their Lawful and Rightful Sovereign Liege Lord and Lady. And how could we do less than own them for our King and Queen, who by such an amazing turn, have redeemed from Slavery both our Souls and Bodies, if we pretend to any value for our Holy Religion, or any English Love of Liberty?

We have a King of an Extraordinary Personal Valour and Conduct, that hath very often already ventured his Life, and still resolves to despise all difficulties and hazards himself, that His People may reap the fruit of them in their own Peace and Prosperity, and that the Protestant Religion may be established to us and our Children to future Generations.

The Queen is as Supreme in Her Virtue as in Her Dignity, and hath shewed a most Eminent Resolution, as well as a most Prudent Care in all the Administrations of the Government, when the Absence of the King hath obliged Her to take the Exercise of the Regal Power upon Her.

So that the Nation may now hope to enjoy a lasting Felicity from the Royal Protection of both Their Majesties, whose constant endeavours we are assured from themselves, will be employed to procure and support the Interest and Honour of it, and the Benefit, Safety, and Ease of their People; they thoroughly understanding the Truth of Mons. Gourville's Observation (who had been long enough here in England, to know the Humour of our Court, and People, and Parliaments, to conclude) Qu'un Roy d'Angleterre qui veut estre l'homme de son peuple, est le plus Grand Roy du monde, mais s'il veut estre quelque chose d'avantage, par Dieu il n'est plus rien, i. e. That a King of England, who will be the MAN of his People, is the greatest King in World; but if he will be something more—he is nothing at all. I may venture therefore to Prophecy, that this King and Queen will take the same course continue, as they have already done, to make themselves the DARLING of their Peoples, and no Good English Man can wish for more, but that this King and Queen may long Reign, and that the Tripple Alliance of their Sacred Majesties, their Parliaments, and their People, may never be dissolved.

Little needs be said concerning the usefulness of such Collections as these, THAT formerly published having received sufficient Approbation from Persons of Learning and Knowledge. The benefit of them is the same with what redounds from a true History, not of Battels and Sieges, Births, Marriages, and Deaths of Princes, which are temporary and momentary things, but of the Legal Government of a Nation, struggling with Arbitrary Power and Illegal Proceedings, so far forth, as it was invaded within the time mentioned in the Title.

Memoirs of  
what past in  
Christendom,  
from the War  
began 1672.  
to the Peace  
concluded  
1679. p. 33,  
34.



A  
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T H E

# Earl of Clarendon's Speech,

A B O U T

## Disbanding the Army.

S E P T E M B E R 13. 1660.

*My Lords and Gentlemen,*

**T**HE King tells you that he hath commanded me to say many particulars to you, and the truth is, He hath charged me with so many, that I have great reason to fear, that I shall stand in much need of His Mercy, for omitting many things He hath given me in Command, at least for delivering them in more Disorder and Confusion, then Matters of such Moment and Importance ought to be to such an Assembly, for which the King Himself hath even a kind of Reverence, as well as an extraordinary Kindness. I am to mention some things He hath done already, and many things He intends to do during this Recess, that you may see, how well content soever he is, that you should have Ease, and Pleasure, and Refreshment, he hath designed Work enough for Himself.

The King hath thanked you for the Provision you have made that there may be no free Quarter during the time the Army shall be Disbanding, and hath told you what He will do with that Money you have given Him, if there should want wherewithal to Disband it; And now I hope you will all believe, that His Majesty will consent to the Disbanding: He will do so; And yet He does not take it unkindly at their hands, who have thought that his Majesty would not Disband this Army; It was a sober and a rational Jealousie; No other Prince in Europe would be willing to Disband such an Army; an Army to which Victory is entailed, and which, humanely speaking, could hardly fail of Conquest whithersoever He should lead it; and if God had not restored His Majesty to that rare Felicity, as to be without apprehension of Danger at home or from abroad, and without any Ambition of taking from his Neighbours what they are possessed of; Himself would never Disband this Army; an Army whose Order and Discipline, whose Sobriety and Manners, whose Courage and Success hath made it famous and terrible over the World; an Army of which the King and His two Royal Brothers may say, as the noble Grecian said of *Aeneas*,

*Stetimus tela aspera contra,  
Contulimusq; manus, experto credite, quantus  
In clypeum assurgat, quo turbine torqueat hastam.*

They have all three in several Countries found themselves engaged in the midst of these Troops, in the heat and rage of Battel, and if any common Souldiers (as no doubt many may) will demand the old Roman Priviledge for having encountered Princes single, upon my Conscience, he will find both Favour and Perferment: They have all three observed the Discipline, and felt, and admired, and loved the Courage of this Army, when they were the worse for it; and I have seen them in a season when there was little else of comfort in their view, refresh themselves with joy, that the English had done the great Work, the English had got the Day, and then please themselves with the Imagination what wonders they should perform in the head of such an Army: And therefore when His Majesty is so entirely possessed of the Affection and obedience of this Army, and when it hath merited so much from Him, can it be believed, or imagined, that



He can without some regret part with them? No: *My Lords and Gentlemen*, He will never part with them, and the only sure way never to part with them, is to Disband them; should it be otherwise, they must be exposed to the daily Importunity of His great Neighbours and Allies; and how could He refuse to lend them His Troops, of which He hath no use Himself? His Majesty knows they are too good *English* men, to wish that a standing Army should be kept in the bowels of their own Countrey; that they who did but in *Bello pacis gerere negotium*, and who, whilst an Army lived like good Husbandmen in the Countrey, and good Citizens in the City, will now become really such, and take Delight in the Benefit of that Peace they have so honestly and so wonderfully brought to pass: The King will part with them, as the most indulgent Parents part with their Children for their Education, and for their Perfection; He will prefer them to Disbanding, and prefer them by Disbanding, and will always retain such a Kindness for them, and such a Memory of the Service they have done him, that both Officers and Souldiers, after they are Disbanded, shall always find such countenance, favour, and reward from His Majesty, that He doubts not, but if he should have Occasion to use their Service, they will again resort to Him with the same Alacrity, as if they had never been Disbanded: And if there be any so ill amongst them (as there can be but very few, if any) who will forfeit that Favour and Protection they may have from Him, by any withstanding His Majesties Commands, and the full and declared sense of the Kingdom; His Majesty is confident they will be as odious to their Companions, as they can be to any other honest Men.

*My Lords and Gentlemen*, I am in the next place, by the Kings Command, to put you in mind of the Act of Indemnity, not of any Grants or Concessions, or Releases He made to you in that Act, I have nothing of that in charge; no Prince hath so excellent a memory to forget the Favours he doth; but of what He hath done against you in that Act, how you may be undone by that Act, if you are not very careful to perform the Obligations He hath laid upon you in it: the clause I am to put you in mind of, is this, *And to the intent and purpose that all names and terms of Distinction may be likewise put into utter Oblivion, Be it further Enacted by the Authority aforesaid, That if any Person or Persons, within the space of three Years next ensuing, shall presume so maliciously to call or alledge, or object against any other Person or Persons any Name or Names, or other words of Reproach, any way leading to revive the Memory of the late Differences, or the occasion thereof, That then every such Person, so as aforesaid offending, shall forfeit, &c.* It is no matter for the Penalty, it is too cheap a one; the King wishes it had been greater, and therefore hath by His just Prerogative (and 'tis well for us He hath such a Prerogative) added another Penalty more insupportable, even His high Displeasure against all who shall swerve from this Clause in the Act. Give me leave to tell you, that as many Name or Names, or other words of Reproach are expressly against the Letter, and punishable accordingly, so evil and envious looks, murmuring and discontented hearts, are as directly against the Equity of this Statute, a direct breach of the Act of Indemnity, and ought to be punished too; And I believe they may be so. You know Kings are in some sense called Gods, and so they may in some degree be able to look into mens hearts; and God hath given us a King who can look as far into mens hearts as any Prince alive; and he hath great skill in Physiognomy too, you would wonder what Calculations He hath made from thence; and no doubt, if He be provoked by evil looks, to make a further Enquiry into mens hearts, and finds those corrupted with the Passions of Envy and Uncharitableness, He will never choose those hearts to trust and rely upon. He hath given us a Noble and Princely Example, by opening and stretching His Arms to all who are worthy to be His Subjects, worthy to be thought Englishmen, by extending His heart with a pious and grateful joy to find all His Subjects at once in His Arms, and Himself in theirs: and shall we fold our arms towards one another, and contract our hearts with Envy and Malice to each other, by any sharp memory of what hath been unneighbourly or unkindly done heretofore? What is this but to rebell against the Person of the King, against the excellent Example and Vertue of the King, against the known Law of the Land, this blessed Act of Oblivion.

*My Lords and Gentlemen*, The King is a Suitor to you, makes it His Suit very heartily, That you will joyn with Him in restoring the whole Nation to its primitive Temper and Integrity, to its old good Manners, its old good Humour, and its old good Nature; Good Nature, a Vertue so peculiar to you, so appropriated by God Almighty to this Nation, that it can be translated into no other Language, hardly practised by any other People, and that you will by your Example, by the Candor of your Conversation, by your Precepts, and by your Practice, and by all your Interest, teach

teach your Neighbours and your Friends, how to pay a full Obedience to this Clause of the Statute, how to learn this excellent Art of Forgetfulness.

Let them remember, and let us remember, how ungracious, how undecent, how ugly the Insolence, the Fierceness, the Brutishness of their Enemies appeared to them; and we may piously and reasonably believe, that Gods Indignation against them, for their want of Bowels, for their not being *Englishmen*, (for they had the hearts of Pagans and Infidels) sent a Whirlwind in a moment to blow them out of the World, that is, out of a capacity to do more mischief in the World, except we practise their Vices, and do that our selves which we pretend to detest them for: Let us not be too much ashamed, as if what hath been done amiss, proceeded from the humour and the temper, and the nature of our Nation. The *Astrologers* have made us a fair excuse, and truly I hope a true one; all the motions of these last twenty Years have been unnatural, and have proceeded from the evil Influence of a malignant Star; and let us not too much despise the Influence of the Stars: And the same *Astrologers* assure us, that the Malignity of that Star is expired; the good *Genius* of this Kingdom is become Superiour, and hath mastered that Malignity, and our own good old Stars govern us again, and their Influence is so strong, that with our help, they will repair in a Year, what hath been decaying in twenty; and they only shall have no excuse from the Star, who continue their Malignity and own all the ill that is past to be their own, by continuing and improving it for the time to come.

If any body here, or any where else, be too much exalted with what he hath done, or what he hath suffered, and from thence thinks himself warranted to reproach others, let him remember the story of *Nicephorus*; it is an excellent story and very applicable to such Distempers: He was a pious and a religious man, and for his Piety and Religion was condemned to the fire; when he was led to Execution, and when an old Friend who had done him injury enough, fell at his feet and asked him Pardon; the poor Man was so elevated with the Triumph he was going unto, with the Glory of Martyrdom, that he refused to be reconciled unto him; upon which he was disappointed of his end; and for this Uncharitableness, the Spirit of God immediately forsook him, and he apostatized from the Faith. Let all those who are too proud of having been as they think less faulty than other Men, and so are unwilling to be reconciled to those who have offended them, take heed of the Apostacy of *Nicephorus*, and that those fumes of Envy and Uncharitableness, and Murmuring, do not so far transport and intoxicate them, that they fall into those very Crimes, they value themselves for having hitherto declined.

But, *My Lords and Gentlemen*, whilst we conspire together, to execute faithfully this part of the Bill, to put all old Names and Terms of Distinction into utter Oblivion; let us not find new Names and Terms to keep up the same, or a worse Distinction: If the old Reproaches of Cavalier, and Round-head, and Malignant, be committed to the Grave; let us not find more significant and better words, to signify worse things; let not Piety and Godliness grow into terms of Reproach, and distinguish between the Court, and the City, and the Countrey; and let not Piety and Godliness be measured by a morosity in Manners, an affectation of Gesture, a new mode and tone of Speaking; at least, let not our Constitutions and Complexions make us be thought of a contrary Party; and because we have not an affected austerity in our looks, that we have not Piety in our hearts. Very merry Men have been very godly Men; and if a good Conscience be a continual Feast, there is no reason but Men may be merry at it.

You, *Mr. Speaker*; have this Day made a noble Present to the King. Do you think if you and your worthy Companions had brought it up with folded Arms, down-cast Looks, with Sighs and other Instances of Desperation, it would not have been a very melancholy Present? Have not you frank and dutiful Expressions, that cheerfulness and vivacity in your Looks, rendered much more acceptable, much more valuable? No Prince in Christendom loves a cheerful giver so well as God Almighty does, and he of all Gifts, a cheerful Heart; and therefore I pray let not a cloudy and disconsolate face be the only, or the best sign of Piety and Devotion in the Heart.

I must ask your Pardon for misplacing much of this Discourse, which I should have mentioned, when I came to speak of the Ministers Bill; they I hope will endeavour to remove these new marks of Distinction and Reproaches, and keep their Auditories from being imposed upon by such Characters and Descriptions. The King hath passed this Act very willingly, and done much to the end of this Act before; yet hath willingly admitted you to be Sharers and Partners with Him

in



in the Obligation : I may say confidently His Majesty hath never denied His Confirmation to any Man in Possession who hath asked it ; and they have all the effect of it, except such who upon Examination and Enquiry, appeared not worthy of it, and such who though they are pardoned, cannot yet think themselves worthy to be preferr'd. His Majesty well knows that by this *Act* he hath gratified and obliged many worthy and pious Men, who have contributed much to His Restauration, and who shall always receive fresh Evidence of His Majesties Favour and Kindness, but he is not sure that he may not likewise have gratified some who did neither contribute to His coming in, nor are yet glad that he is in ; how comes it else to pass, that he receives such frequent informations of Seditious Sermons in the City and the Countrey, in which all Industry is used to alienate the Affections of the People, and to insuse Jealousies into them of the King and His Government ; They talk of introducing Popery, of evil Counsellors, and such other old Calumnies as are pardoned by this *Act* of Indemnity.

His Majesty told You when he was last here, what Rigour and Severity He will hereafter use, how contrary soever it is to his Nature in these Cases ; and conjured You, *My Lords and Gentlemen*, to concur with him in this just and necessary Severity, which I am sure You will do with Your utmost Vigilance, and that You will believe that too much ill cannot befall those who do the best they can to corrupt His Majesties Nature, and to extinguish His Mercy.

*My Lords and Gentlemen*, I told You I was to acquaint you with some things His Majesty intends to do during this Recess, that You may see He will give no intermission to His Own thoughts for the Publick good, though for a time He Dispences with Your Assistance.

He doth consider the infinite Importance the Improvement of Trade must be to this Kingdom, and therefore His Majesty intends forthwith to Establish a Council for Trade, consisting of some Principal Merchants of the several Companies ; to which he will add some Gentlemen of Quality and Experience ; and for their greater Honour and Encouragement, some of my Lords of His own Privy Council.

In the next Place, His Majesty hopes that a well-settled Peace, and Gods great Blessing upon Him and You, this Nation will in a short time flourish to that Degree, that the Land of *Canaan* did, when *Esau* found it necessary to part from his Brother. — *For their riches were more, then that they might dwell together, and the land wherein they were could not bear them, because of their cattle* : We have been Our selves very near this Pinnacle of happiness, and the hope and Contemplation that We may be so again, disposes the King to be very solicitous for the Improvement and Prosperity of His Plantations abroad, where there is such large room for the Industry and Reception of such who shall desire to go thither ; and therefore His Majesty likewise intends to erect and establish a Council for those Plantations, in which persons well-qualified shall be wholly intent upon the good and advancement of those Plantations.

There are two other particulars, which I am commanded to mention, which were both mentioned and recommended to You by His Majesty in his Declaration from *Breda* ; The one, for the Confirmation of Sales, or other Recompence for Purchasers ; The other, for the composing those Differences and Distempers in Religion, which have too much disturbed the Peace of the Kingdom. Two very weighty particulars, in which His Majesty knows You have spent much time, and concerning which, he should have heard from You before this time, if You had not met with great difficulties in the Disquisition of either.

For the First, His Majesty hath not been without much thought upon the Argument, and hath done much towards the Accommodation of many particular Persons, and You shall not be at Your Journeys end, before His Majesty will put that Business concerning Sales into such a way of Dispatch, that he doubts not You will find a good Progress made in it before Your coming together again, and I believe the Persons concerned, will be very much to blame, if they receive not good Satisfaction ; And some of You who stay in Town, shall be advised and consulted with that Settlement.

The other, of Religion, is a sad Argument indeed ; It is a Consideration that must make every religious heart to bleed, to see Religion, which should be the strongest obligation and cement of Affection, and brotherly kindness and compassion made now by the Wranglings of passionate and froward Men, the ground of all animosity

animosity, hatred, malice and revenge : And this unruly and unmanly Passion (which no question the Divine Nature exceedingly abhors) sometimes and I fear too frequently transports those who are in the right, as well those who are in the wrong, and leaves the latter more excusable than the former, when men who find their manners and dispositions very conformable in all the necessary obligations of humane Nature, avoid one anothers Conversation, and grow first unfociable, and then uncharitable to each other, because one cannot think as the other doth. And from this separation we intitle God to the Patronage of, and Concernment in our Fancies and Distinction, and purely for his sake hate one another heartily. It was not so of old, when one of the most ancient Fathers of the Church tells us, That Love and Charity was so signal and eminent in the Primitive Christians, that it even drew Admiration and Envy from their Adversaries, *Vide inquit ut invicem se diligant !* Their Adversaries in that in which they most agreed, in their very prosecution of them, had their Passions and Animosities amongst themselves ; they were only Christians, that loved, and cherished, and comforted, and were ready to die for one another : *Quid nunc illi discent Christiani, si nostra viderent tempora,* says the incomparable Grotius : How would they look upon our sharp and virulent Contentions in the Debates of *Christian Religion*, and the bloody wars that have proceeded from those Contentions, whilst every one pretended to all the Marks which are to attend upon the true Church, except only that which is inseparable from it, *Charity to one another.*

*My Lords and Gentlemen,* This Disquisition hath cost the King many a Sigh, many a sad Hour, when he hath considered the almost irreparable Reproach the *Protestant Religion* hath undergone, from the Divisions and Distractions which have been so notorious within this Kingdom. What pains he hath taken to compose them, after several Discourses with learned and pious Men of different Perswasions, you will shortly see, by a *Declaration* He will publish upon that Occasion, by which you will see His great Indulgence to those who can have any Protection from *Conscience* to differ with their Brethren. And I hope God will so bless the Candor of His Majesty in the Condescensions he makes, that the Church as well as the State, will return to that Unity and Unanimity, which will make both King and People as happy as they can hope to be in this World.

*My Lords and Gentlemen,* I shall conclude with the Kings hearty thanks to you, not only for what you have done towards Him, which hath been very signal, but for what you have done towards each other ; for the excellent correspondence you have maintained ; for the very seasonable Deference and Condescension you have had for each other, which will restore *Parliaments* to the Veneration they ought to have. And since His Majesty knows, that you all desire to please him, you have given him ample Evidence, that you do so ; He hath appointed me to give you a sure Receipt to attain that good End, it is a Receipt of His own prescribing, and therefore is not like to fail :

Be but pleased your selves, and persuade others to be so ; contrive all the ways imaginable for your own Happiness, and you will make Him the best pleased, and the most happy Prince in the World.

C

T H E

# THE State of ENGLAND,

Both at HOME and ABROAD,

In Order to

## The Designs of France, CONSIDERED.

To the R E A D E R.

**T**HIS Discourse being imaginarily Scened, and yet really performed out of the Treasure of a very great Minister of State's Capacity ; it was thought fit to be Published now, and not before, because that Respect ought to be payed to the Secret of his Majesty's Affairs, so as nothing should anticipate the King's own Labours, to give the People Satisfaction in his due time touching the tender Care that He is graciously pleased to take of all his Subjects in point of Honour, Safety, Freedom, Union, and Commerce : which nothing could more advance then the Conclusion of the Treaty newly made betwixt England and the States of the United Provinces ; which without Flattery may be demonstrated to Men of Understanding to aim at nothing but the Good of His Subjects in general, exempt from all manner of private Interest whatsoever. Blessed be God then that it is so happily concluded ; and that we have a King whom nothing can ever alienate from the true Interest of his Realms, nor no corrupt Counsellour ( let him be thought to be never so Powerful or Crafty in order to his own Advantages ) prevent the Wisdom and Integrity of such a Prince from prevailing above the Artifices and Frauds of those who would persuade the Nation, ( were they competent Masters of their Art enough so to do ) that those Counsellors who are not interested, can be less prudent or successful then such as did make it their Business to appropriate all to themselves, and nothing to their Master. The French King is much commended for his Parts and Activity ; but let us see him out-do the King of England in this particular of the Treaty, both in Courage and Conduct, and then I shall be apt to attribute his Grandeur as much to natural Abilities as extraordinary Fortune, but not before.

THE



## T H E

## State of England, &amp;c.

**T**H E Adventure which happened unto me lately is of so extraordinary a nature, and contains so many important Discoveries in relation to the publick Good in its Progress, that I should prove defective towards my Countrey, if I did not candidly publish all the Passages, both touching the Occasion, and Effects of what followed from this Accident:

Know then that a Peer of the Realm of *England*, and one whose Merit, Quality, and the Place which he holds in the Administration of the Affairs of the Kingdom are remarkable; did invite sundry of his Lordship's best Friends to a magnificent Feast, and amongst the rest he had the kindness not to omit me out of the number: where the excellence of the Cheer which he made to his Guests, after a most noble manner put the whole Company into such a refined humour of conversing together, that the Entertainment was but one intire pleasing Debate, how to express our compleat enjoying of each other. I was not wanting with the uttermost of Vigour and Solace to uphold the Genius of this Conference. But as the freest speakers do commonly come by the worst in Discourse, and are the soonest exposed to enterprising lashes; I found my self to be attacked in so many places at once with the swiftness of other Mens Reasons and Wits, who held the opposite Arguments, that although I were something heated, yet there remained unto me presence of mind enough (and success of Intervalls) to get insensibly out of the Press, whilst the Disorder and Confusion lasted, (which is usual at such Meetings) into another room. I retired then pursuing the Opportunity, into a fair Gallery, which surpris'd my Eyes with the rich Ornaments wherewith it was furnished; but not without trouble neither, and a Curiosity beyond the Opticks of the Place, which increased there; so as I was diverted from any further Consideration of the Furniture, because the Place seem'd to lie too near the Enemy, to dwell any longer upon those Objects. Wherefore I went into another Chamber hard by, which instantly fill'd me with new Apprehensions, by the means of several large Looking-Glasses hanging on the Walls; which shew'd me my own proper Figure at length on every side, and from thence imprinted in my wounded Imagination as many Adversaries as there were angular Reflections out of each Mirrour; that appear'd to pursue me so furiously, that I ran on violently with my head forwards, in order to some Escape, to the door of another Chamber adjoining thereunto, which opened with such Resistance, when I thrust against it, as if it had been forced with a Petard: And thus falling in the Attempt, I was so stunned, that it was a good while after before I could come to my self again. But at last having partly recovered my spirits, I was surpris'd with a fresh astonishment as much amaz'd me, as the former had done that I repeated: for when I began to open my eyes half way, finding that till then they had been altogether unuseful to me, I attributed the Disorder to want of Sight, often feeling, in regard of the Darknes of the Room, to try whether they were still in my head or not. Yet perceiving, betwixt Discerning and Doubting, that all I assayed of this kind was to no purpose; after having deplored the bitterness of an imaginary Loss, I groped on more and more in the dark until I chanced to come to an *Alcove*; where feeling with my hands I took fast hold upon the *Alcove*, and grasped the Pillar of a Bed, which had I not light upon, I must have fallen the second time. For, thrusting hard against one of the Posts, the Counter-stroak of the Wood threw me all along into the middle of a Couch, where I remained stretched forth like a Coarse without any motion, in the same posture of a precipitate Swoon. And then it was that the Vapours of my Body, which were disturbed by the first Mistake, confusedly did stir through all the parts in the agitated fluctuancy of a Storm; though by degrees growing to be undeceived, Sleep, which appeaseth all the Mutinies in humane Creatures, did naturally and more agreeably seize upon my Faculties, and com-

pose

pose the Tempelt with perfect tranquility of Mind and animal Operations, as if I had never been to discomposed. 'Tis impossible to tell you how long I continued in the State of this *Interregnum* betwixt Life and Death, nor what Care the Company took to learn what was become of me, but in vain; blaming me for having left them, or rather the War begun, using all sorts of means to find where I was, and bring me back to the Combate.

I shall only tell you by the way, that about Sun-set a great Noise was raised by two of the servants of the House, who entred suddenly into the Chamber where I lay; which assured me as I awakened that I was yet living; and the blazing of the Wax-tapers, which they set upon the Tables and Cup-boards, made me extremely joyful at the Restauration of my sight, which in my Opinion till then was absolutely gone from me. But then a third Apprehension seized on my Powers, first, to be catch in such a Posture, and exposed to the innocent jests which might be made by the Guests on the subject of my strange Disorder, and precipitated Flight from them. But as I sought my Eyes once more, to steal away out of this Society for all Night, and not be seen by any Body, another noise obliged me to keep close where I was upon the Bed, and draw the Curtains home, not to be discovered. I was not long in this Concealment, when I saw come into the same Place three Persons, whose Deserts in this Relation must be better known than their Names, and the Importance of their Interest in the State, by what I am going now to say of those particulars, because I am strictly obliged not to reveal them. These strangers the Master of the House did very civilly introduce into the Chamber, who without many Complements sat down on the seats which were prepared for them near the Table. My Sleep had digested those Fumes, and dissipated all the Clouds of my Understanding: therefore judging that the cause that assembled such great Personages together there in this secret Entertainment could not be but of the highest importance; both the Curiosity, and the Shame of having them witnesses to my Disorder, obliged me to keep firm to my Post, within the cover of the Bed, and to lend an attentive ear to all their Discourse. For the Master of the house began the Overture of the Conference in the Terms following.

In that part which we do hold of the Government of the State, it is not enough that a sincere Amity doth link us in one band of Interest and Esteem particularly to each other, if we be not also united in the same Judgment as to all which concerns the Publick Good. In our former Conferences we used to take just Measures how to rectifie things within the *Realm*; but now it rests with us to agree upon some Maxims which are to be maintained in regard of *Foreign Matters*, to the end that in these Rencontres, wherein we are to give Counsel, we may act in all things with a perfect Concert, which no doubt will give a great weight to the Resolutions which shall be formed thereupon, and the present Case; since never have any Counsellours treated of nicer Points, nor more serious ones than those which are to be debated among us to day. The fire is already kindled in our Neighbourhood; the Monarchy of *Spain* is just upon the brink of falling to the ground, if it be not succoured; and *France* in a condition to avow the vast Design which that Crown hath long meditated, as well against the Peace of *Europe*, as the Commerce of our Navigations, if a powerful Fence be not quickly made, to keep the *French* within their Bounds. Wherefore all the rest of the Forces of *Europe* stand at gaze, expecting the Result of what *England* doth determine herein, considering us the Counter-balance, which time out of mind hath held the Scales even betwixt those two great Monarchies, for the Safety of all the rest. They wait but our giving of the Sign, to joyn with us in the common Defence: and the better share of them seek it from *England*; and the others have their Eyes open towards our Conduct, to take their measures also by no other model but what we shall trace out unto them.

There is no need of a Providence extraordinary enlightned, to judge which is our true Interest in this Conjuncture; but the present State of our Affairs doth not leave us the same Facilities to follow it, in which we do abound as to the Knowledge thereof.

Mean while the Mischief presses forwards, and doth not afford Place nor Time sufficient to expect a Benefit of other Vicissitudes, which run sufficiently against us; nor to regulate our Resolutions by those Events, which take too impetuous a part in the Cause on that side which we ought most to fear. Therefore it is more than season to form our Fundamental Maxim, on which all our Conduct is to move in this present Conjuncture; and at this very instant decide, whether we will chuse to be simple Spectators, or take some part to act in this Tragedy; since the Resolution  
which



which we shall fix thereupon will be the Center, from whence we must draw all our Lines afterwards. Which is the proper Point that we are to discourse of now among our selves here, before we do give our Opinions on the whole matter to the Publick; and in which particular I desire the rather to be enlightned by your wise Reasonings by how much the more I am assured, That the sole good of the State is the only Rule and Object of all your Counsels.

As soon as ever he had uttered these words, one of the Three, after casting down of his Eyes, and pondering what he was to say to the rest, with having thought before he advised, began his Discourse thus:

If late Experience had not taught us enough to our cost, that it is much easier to begin a War, than successfully to get out of it when once it is commenced, I would enlarge my self on that Subject to represent unto you piece by piece, the Dangers, Incommodities, and Losses which such a Resolution usually doth carry along with it; where frequently the Conquerer finds he is more charged with Debts than with Trophies, and the People always have cause to mingle their Acclamations with Tears, in the course of such expensive Triumphs; since before any Edifice is begun, the Dimensions how to settle a solid Foundation to undertake the War upon, should previously be considered, by measuring our Means and Forces as well as those of the Enemy with whom we are to fight; and the like touching their Power, whose Interest we intend to embrace.

Our Forces and Means you all know are already exhausted with long and sharp Wars, both at home and abroad; and by the Hand of God, which hath been heavy upon us in the late *Pestilence*, and in the *Firing* of the City of *London*: wherefore 'tis but now that we begin by the means of Peace to breathe again; which Peace also is not firmly established. Time then is requisite for us to take breath and recover in, after so terrible an Agitation: nor can any thing be so dangerous unto this State as a Relapse in the midst of Amendment. If the noise of our Neighbours doth awaken us, our Weariness likewise invites us to seek some Repose: and in case there be danger to suffer the Growth of a suspected Power, there will not be less peril in the checking of that Power unprepared. You know, as well or better than I can tell you, the Condition of the Revenue, and the excessive Expence of this Realm, which inevitably must carry the War from home, unless we mean supinely to be destroyed: and therefore of necessity must our Wings be suffered to grow again after this clipping, before that we do offer to make a new Flight. You cannot be ignorant too, that Commerce is the Soul and the Life of this Kingdom, which is the Channel from whence the Abundance of it flows: And the Wealth which we formerly enjoyed, and rendered us so considerable in the World, besides the fresh Experiment of the Disorder and Interruption which the War brought into all the Traffick of the Land, hath made us clearly see, that for Merchant-mens Fleets to be changed into Naval Armies, and the *Substance* of the People melted into *Magazines* unusefully which might more profitably be employed in rich and gainful *Navigations*, cannot be the proper Interest of *England*.

If we consider the present State of *France*, we shall find that all the rest of *Europe* bow under that Power; and those who are the most concerned to succour *Spain*, bleed at the Nose only, without being able to break the Impostume within. The Intelligences of *France* and their Practices make their way every where, either with Bribes or by Address; Victory waives still on all their Motions, and by having redressed the Abuses of their Exchequer, they have laid an unexhaustible Foundation of Money within themselves. Over and above that, the *French* are a Nation, or rather a Seminary of Nobility and Souldiers, so versed in the Trade of War, as this Provision puts them in a Posture never to be savingly justled.

I grant, their Designs are Vast, and their Pretensions ill grounded; but how can we take Cognizance of that? are we Knights-errant, to expose our Lives in the revenging of other mens Quarrels; the large Interposition of Sea, which divides us from the rest of the World, may shelter us enough from their Attempts, without founding of our safety upon the Conservation of our Neighbours.

But suppose we had such an abundance of Charity to spare, as to hazard our own safety in favour of another's; we should at least be secured before hand, that when we are at a second Charge of succouring them, it might prove profitable unto them, otherwise the Mischief being grown to that point of Extremity where now it rests, all insignificant Remedies of this Nature would but anger them the more to no purpose. And *Spain* being deeply engaged in the War of *Portugal*, which is alone able to give the *Spaniards* work enough, as the *Spanish* Councils stand divided, and according to the slowness of their Operations, their Treasure being likewise exhausted, and

the principal Places of *Flanders* in the Hands of the *French*, and those which remained unconquered hardly in a Condition to make any Resistance when they shall be attackqued, which disposes that Crown to seek a Peace with *France* on any Terms; and the Propositions in order to a League Offensive and Defensive with them, which they make to us, being tendred only to *England* as a wily Lure to oblige the *French* to conclude it the sooner, out of an Apprehension that we may resolve to assist *Spain*; why should we rashly, I pray, thrust our Sickle into this blighted Corn?

Indeed, when Inconveniences are visible on all sides of the Prospect of such Treaties, the wisest Counsel sure is to suspend the Resolution a while. For on which part can we place our Interest thus, without incurring blame justly? The Party of *Spain* is weak and unlucky; that of *France* is unjust, and contrary to our Good: shall we then sacrifice our selves for *Spain*, which for three Years together hath stood idle, with their arms folded a cross, without so much as proffering to help us, whilst three of the greatest Powers of *Christendom* let one another Bloud, and thus were only passive in our Ruine? Must we then joyn with *France*, which were so lately combined with our Enemies to destroy us, and that tore the Victory out of our hands when we had it sure? Shall we contribute the Liquor of our Veins to facilitate their Progress, which ought to be so redoubted by this Nation, and so become instrumental towards the erecting a *Colossus* which must certainly tread us under foot with the Weight of it? All these considerations, which I submit to your Prudence, oblige me to conclude, that there being no part to be taken in this War which is not destructive; the best will be to take no Part, but sit still, and observe how the Game is play'd, and in the mean time to provide for the repairing of our Revenues, and quieting of Disorders at home, by conciliating and re-uniting the minds of the People, the re-establishment of Commerce, and to put our selves into such a Condition, that the Conquerour may not be able to make a wrong use of his Victory to our Prejudice. And in the mean time, not to remain altogether idle in the common Danger of *Europe*, we may contribute our endeavours to obtain a Peace, and by a happy Accommodation stop the course of these Conquests, which gives us such just Jealousie.

He had scarce made an end of speaking, when a little murmur arose among the rest of the Conferrers, which made me conceive that they did not approve of what he did urge. Wherein I found that I was not deceived neither; because he which sat right over against him, answered him presently after this manner.

If Peace were a Benefit which always did depend upon our own Choice, and if War were not, ordinarily speaking, a Mischief as necessary as the other is; the Question which we do treat of now might easily be resolved, and would not require any longer Deliberation. But it is not enough to conserve Peace, to have a pacifick Spirit, if our Neighbours likewise be not of the same Disposition towards it; which in effect is to reckon, without the Host, by founding the hopes of our future Quiet, barely on the Promises of our own Moderation; since those which are the most in love with Peace, are oftentimes involved in the opposite Agitation, whether they will or no, by some violent motion of Fortune; and so frequently stumble upon War in the Flight which they make from it, and thus suffocates the Peace by too much avoiding the War.

I do avow that the Reasons which were alledged before could not be answered, if he who did so well deduce them, were able to assure us upon good Grounds, that in keeping our selves Neuters in this War of the *Low Countreys*, we might be sheltered from the Storm of another War, both in the present and future Tenise of such Vicissitudes; or peaceably and long enjoy so happy a Tranquility, which makes him believe that we ought to despise, for that Speculation, all manner of useful Occasions which Fortune doth daily offer unto us. But in truth, my Lord, would you venture to be caution thereupon to the State, and pawn your Faith to the Kingdom, and your Honour concerning the Event? For my own part, I hold you too wise and too quick-sighted, to imagine merely on the Presumption of unsolid Hopes, that there can be the least shadow or colour of Safety remaining for us, if one of these two Monarchies which are at this time Engaged in a War, should fall under the absolute Power of the other, or if they do re-unite again by an Agreement, in which possibly, as we have handled the matter, we may very well not be comprehended. In case you'll avow this Truth, which all the World knows to be so, it follows that you must grant, that all those inconveniences which were already alledged to keep us out of all kinds of Engagement are not longer valid, when there is a indispensable necessity and the Welfare and the Safety of the State are at Stake.

I shall not enlarge my self hereon, to represent unto you that our Predecessors ever held this to be a fundamental *Maxime* of their Conduct, to hold the Balance equal between these two Great Monarchies, and that on which side soever they turned the Scales, Victory did usually follow that Counterpoise, which never failed to put things into that just Temperament that preserves the Health of this Realm. By which means in some sort they made themselves the Arbitrators of Christendom, because by affording their Help unto one of the two Parties, they became in effect Masters over them both, by still keeping one of them at their Devotion, and in our Dependency, through the prospect of those Succours which they do continually need from hence; and the other, with the apprehension of this Assistance. For thus the *English*, what with the force of their Arms, and the power of Arbitrating in Treaties, have always been the Law-givers to the Success both of their Friends and their Enemies, by holding within the palms of their hands the Results of War and Peace, finding both in the one and the other, those Advantages and Safeties which this Nation most desired.

But laying aside these old obsolete Maxims, from which notwithstanding wise men will not willingly depart without the pressure of some invincible Necessity, to come to the Circumstances of the present time: It is evident that the War of the *Low Countries* cannot possibly terminate otherwise than by the Fall and Oppression of one of the two Parties, or by an Accommodation made betwixt them. If they do agree, and that *England* hath no share in the Treaty, who will assure us that they'll not unite for our Ruine; or at least, *France*, which cannot remain long without War, will not turn their Arms against us? But if *Spain* falls, we shall then be like Dancers of the Ropes that have lost their Counterpoise, and so are ready to tumble down every step they make. What good opinion soever we have of *France*, it cannot be denied, notwithstanding, that in this Case, after the *French* have triumphed over *Spain*, they will be Masters over our Fortune too; and that our being thus must intirely depend upon their Moderation. For, Gentlemen, do you think that we can take rest securely upon so weak a Foundation as the Giddiness of their Charity is? since 'tis certain that the *most Christian King* hath too much Ardour and Desire of Glory to dwell in Idleness at home, after such a Conquest. And therefore seeing his Dominions and Reputation notably increased, he will form to himself new Ideas of enlarging the Bounds of his Empire both by Sea and Land, according to the knowledge which we have of the divers Inclinations to his Court; whereof some will put him on to become Master of the Commerce of *Europe*, and employ those vast Treasures he hath heaped together in order to that Design this way; others, to engage him in the finishing of his Conquests over all the *Low Countries*: and some likewise, to begin by us to open the Path to the Subduing of all other States which may probably oppose this Design. So that which Advice soever of these he doth embrace, 'twill be equally dangerous as to us here, and perpetually oblige us to stand upon our Guard, with the Burthen of a continued Expence on our backs, as well as the Inconmodities of a War, though we seem to be in Peace with him.

On this Position then I say, that the worst Party for *England* that can be taken, whether by choice or necessity, is that of sitting Neuters. By uniting with *Spain* we do follow our ancient Maxim and Interest, which hath ever been successful to this Nation, which is, to be still Masters of the Balance betwixt these two Monarchies, as I urged before. Should we therefore embrace the Party of *France*, we may hope for a considerable portion in the Spoils of *Spain*. And both in the one and the other case we shall find our Surety and other Advantages in the Treaties of Peace which shall be made. But by remaining Neutral we must needs equally offend both; and so cannot eschew being exposed friendless to the Resentments and the Ambition of the Conqueror, as well as the Scorn and the Reproaches of all the rest of Christendom, for having insipidly abandoned our proper Reason of State, without being either good or wicked in a matter of such universal Concernment, whereby the name of *Englishmen* will remain so much in the Oblivion of *Europe*, that no body will scarce remember there is such a Nation in the World; excepting only those who have a mind to Conquer us.

I read in the Scripture, so base a Character of none, as of them who are *neither hot nor cold*: And able Statesmen have always reproved this kind of Tepidness or Half-conduct, to be both unuseful and dangerous. *Media via nec Amicos parat, nec Inimicos tollit*. Wherefore *England* must of necessity either preserve the *Low-Countries*, against the Usurpation of the *French*, which is our Bulwark; or raise a new Fence, that shall shelter us from being conquered.



To preserve the first then, *Spain* must be assisted from hence; and to make a new Rampart, we must divide the Spoil with *France*. Experience hath sufficiently shewn us, that our Ports are not inaccessible; and Reason demonstrates, that those can never be secure from the like Attempts, but by keeping a powerful Fleet out at Sea, that we may be absolute Masters there. 'Tis a Maxim also which admits neither of exception nor diminution, That a well-governed Kingdom is obliged to arm when War is kindled in the Neighbourhood. And though we should resolve to take part neither with the one Interest nor the other; yet we must be in a Posture to hinder the Torrent from coming upon our Land, that so the Conquerour may not have a mind to extend his Conquests hitherwards. Here then is the Charge of Arming, which on this Conjunction is inevitable, the equipping of a Fleet, and raising of Souldiers to be mutually entertained at the charge of the People, if we do not speedily take some Party; and all this Expence without Glory, or hope to get any fruit by so unprofitable a Counsel, wherein our Souldiers will never learn the Discipline of War, or extract any Utility from such Prizes, as being incapable after this manner to share in the Booty, or in the Victories and Treaties of Accommodation, according to their several events. Whereas by taking part either with *Spain* or *France*, the Charge would be much less, because he whom we aid would largely contribute towards it; and the Prizes gotten at Sea might help to discharge the Expence both of the Naval and the Land-Forces. And thus would our Souldiers be exercised, and our Nation make a noise again abroad, and regain the Reputation which we have of late but too ignominiously lost in the World. For when our men shall be trained up daily in strict Discipline beyond Seas, we shall by this means establish a Seminary of good and able fighting men at the Cost of others, which will be the firm Pillars of the Party, and render us considerable in the eyes of all our Neighbours. Besides, this course may be a vent so to discharge the Realm of ill humours, and a great company of idle persons, which now, being without Employment, are a burthen to the Publick, and who one day are capable too of disturbing the domestick Tranquility of the State: whereas, on the contrary, what Success soever this War shall have, we shall always find our Accompt in the end of an Accommodation, whereof, being thus prepared, we cannot fail of having the principal benefit and part.

All these Considerations then seem unto me to be so convincing, that they do oblige me absolutely to condemn the Opinion of Neutrality, as inconsistent with our Glory, Safety, and Fundamental Reasons of State; by concluding positively, that we ought to lend an ear to those Propositions which shall be made unto us from all Parties, and embrace those which shall be found to be most agreeable and convenient to the Interest of the Kingdom. And in the interim, to be the more considered by both these great Parties, and better assured against all manner of Attempts; my Advice is, That without any longer loss of time, a strong Fleet should be presently got ready; and that as many days as we have to spare before the next Campaign, since now every hour is precious that is not well spent as to this purpose, may be employed to render us henceforwards necessary unto them whose Cause we shall resolve to embrace, and as formidable to those against whom we intend to declare: so that on both sides we may be the Commanders of the whole Affairs, and give it respite or motion by the sole Rule of the Interests of *England*.

After that he had spoken thus, I did observe by the Countenance of the other two persons that had not yet spoken, that this Discourse did not displease them; wherefore without any farther Reflection, one of them briskly began to speak to this effect:

Your Reasons, said he, are so convincing, that I do not only render my consent unto them without any Reply, but mean to make use of them to serve as the Basis and Foundation of that Edifice which I have a long time meditated upon, in order to the fundamental Maxims of State of this Nation. Therefore, without more ceremony or delay, I see that we must act, and take one of the two Parties. For any other Counsel would be dangerous and destructive, by exposing of us to a thousand Inconveniencies, which all the humane Prudence imaginable cannot be capable of preventing or avoiding in process of time. I remain also agreed with you, that in the choice of which Party we are to take, we ought not to consider more than just what our own Interest properly is, which is the Rule of that conduct of Monarchs, that, as the Soul and the Spirit vivifying the whole Figure before us, gives it motion in the Body of the State.

It rests then to Form the Consequences upon these Principles, and decide which of the two Parties is the most convenient. *France* offers Roses unto us; *Spain* nothing but Thorns. The first presents us with a Scheme of Conquests without Dangers; the last  
with

with prospect of Dangers without Profit. The one invites us to be their Companions of assured Victories, of which they have already beaten the way ; the other doth sollicite us and implore our Aid only to help them out of the mire, without any other Benefit than, as the old Proverb says, *There's your labour for your pains*, at the price of our Blood and Lives. If we shall engage in the Assistance of *Spain*, in succouring them we run a *Risico* of being lost our selves, without yet being able to re-establish them : but by joyning with *France*, we shall partake of the Spoiles with them, which we can never by force be able to take out of their hands : since the Progress of *France* is now arrived at such a point of Effect, that all our Powers combined together are not sufficient to stop it ; and then both our Resistances and Succours will serve but to ruine the *Spaniards* the sooner, and bring the Vengeance of the *French* upon our own heads. And if *Spain* comes to sink under the Weight of the War, all the burthen of that Fall centers upon *England* alone. In fine, 'tis agitated therefore singly as to this particular, Whether we will needs chuse to embark in a Vessel so driven with storms, or in a Ship which sails at ease with full Sails, seconded with the favourable Gales of Fortune.

But in case all these material Objections cannot divert us from engaging in the ill Fortune of the *Spaniards*, let us see on what Terms at least we can assist them usefully. If we shall send Troops into the *Low Countreys* to their Aid, 'tis, in effect, to overwhelm them by the very weight and charge of those Succours, and sacrifice so many of our own Subjects to Famine and Misery, as we do thus send Souldiers unto them ; because they have neither Countrey enough left to Lodge them in when they come thither, nor the means to Entertain them after once they are there.

If we succour them meerly by Sea, that kind of help will not hinder *France* from taking of their Towns in the mean time one by one ; and so though we should a little incommode *France*, we shall not ease *Flanders* at all, and such an Assistance will in Conclusion prove none, because 'tis an Application of the Plaister too remotely, and on the wrong side of the Wound.

If then the Loss of the *Low Countreys* be inevitable, let us do what we can ; were it not much better that we should have our share in the Parcels of so great a Shipwreck, then to suffer *France* to ingross them all to themselves ? since supposing that we do divide Booties with the *French* on this Occasion, the Places which by this means must necessarily fall into our hands will be so many new Bulwarks to *England*, which may shelter us for the future against their vast Designs, of which the Partisans of *Spain* make a Chimerical Monster, to intimidate the *English* from taking part with their best and properest Interest in the Case. But when once we are entered into a Communion of Conquests with the *French*, the subduing of *Flanders* will serve us as Ladders to arrive at other Projects by, wherein we may probably hope to find our Profit and Satisfaction mutually together, as well as the Pleasure of a just Revenge. I set aside the Conquest of the *Indies*, which we could not fail to encompass, whilst *France* doth hold all the Forces of *Spain* in play both at Sea and Land, and so occupied, that they'll never be able to retain what they hold in the *New World*, no more than that remainder of Territories which yet they stand possessed of nearer hand.

Wherefore as to what regards the Interest of this Kingdom, what I have last urged methinks might suffice to make you of my Opinion. And if we do impartially consider that of the *Royal Family*, What can be more important and convenient for it, than to have at their Devotion a Neighbouring Power hard by, which is so formidable, and that is able to protect them in a few hours from all manner of Revolutions that they may (and perhaps not without cause neither) apprehend at home, by thus commanding both the Treasures and the Armies of *France*, whenever they shall have any need of them, to put a Bridle in the mouths of all such as do seek to check their Authority ?

I avow that our properest Interest were to hold the Ballance equal between *Spain* and *France*, if we could ; but we should then have thought sooner of that, whilst these matters were in a condition to be disputed : For at present, the Weight of the Case inclining totally to one side, so that we can no longer oppose *France* with *Spain* as a Barricado against their Designs, we must now think how to become our selves the Counterpoise of *France* and the Defence of *Europe*, by establishing of our Power beyond Seas on solid Foundations, that all other Princes, may consider us hereafter as the only People who are capable of resisting the Design of the *Universal Monarchy* ; and so as *France* it self may not be able impunitively to thwart *England* in this Resolution, because then our Safety will be much more firmly settled by our



own Strength than with the Force of others ; and all those who apprehend the Progress of *France* will conjoin with us, and become tyed to the Fortune of *England*, as they would be at this instant to *Spain*, if they saw that Monarchy in a Condition to be able to maintain them.

So that all those Reasons do oblige me to conclude, that we must no longer hesitate on this point of taking part with *France*, and accept of those Advantageous Offers which the *French* make unto us, both in respect of the publick Good of Christendom, as well as our own particular Security ; since by being united to them in a Knot of such inseparable Conditions, and on such a Conjunction of Affairs, because of which they dare refuse us nothing that we ask, what need we fear from the opposite Conjunction of any other Parties ?

All the Assistants at this Conference began to express Indignation against this part of his Discourse, and shewed by their Unquietness all the while that he spake thus, that they had much ado to keep from interrupting of him, or to refrain from answering tumultuously, before that he had made an end. But as they offered to reply in heat all at once, to deliver their thoughts on this Subject, the Master of the House, who had not yet delivered his sense to the Company, broke silence, and with a little smile, which had something in it grave, and scornful, dexterously intermingled together, addressing himself to him who had spoken with so much length just before, held on the Debate as follows.

I know your Prudence, my Lord, too well (says he), and your Lordship's disinterested Zeal for the good of the State, to believe that you can mean seriously what you have urged on the behalf of *France* ; but rather am perswaded, (and that easily too) that with an ingenious Artifice you have thus disguised your own true Sentiments of this Case, the better to penetrate into the bottom of our ours, and so give Opportunity to see clearer through all the Reasons and the Doubts which may be formed there upon touching this Matter, of which we do now treat ; since the truth of any Argument doth never so well appear and endure the light, as when it is sifted to the very root, and that the Reflexion thereof is exalted by the Opposition of the contrary sense. So that in combating with your Opinion, I shall still think that we do not disagree, but rather to dissent in the Exposition of a vain Phantasm, which you erected for sport sake to divert us, and give the Company Recreation.

Allow me then to tell you, that this Project upon which you have thus exercised the acuteness of your Wit with so great a grace, is both unprofitable and chimerical, no less then shameful and unjust, and ruinous towards *England* to all intents and purposes whatsoever : whereas the Design of succouring *Spain* is facil, honourable, profitable, necessary, and suitable to the Fundamental Maxims of our State. And if you please to afford me never so little attention, it will not be difficult for me to prove unto you very clearly according to your own Judgment, what I shall propose of this Nature ; that we shall perfectly accord in one and the same Result, and convince you fully of the Truth thereof.

The Design which you mention, is of the like nature, that it were to demolish an old strong Edifice, to build a new Castle in the Air ; or like his, who, to renew his Youth, consented to be cut into pieces, and put his several members into an Alembick of Glass. To follow your Counsel then, we must alter the whole Constitution of our Politicks, from innovated Interests and Foreign Maxims, by turning all things upside down, even from the Accidents to the very Genius of the Nation, and distill more modern Blood into the veins of the People, then that which they have hereditarily received from Father to Son. But let us, I beseech you, examine on what ground, and with what Materials this new Edifice is to be raised. That Earth which you have proposed unto us to make it out of, is a moving sort of Sand, or a Floating Island, in which we can never fix on any firm Bottom. 'Tis upon *France* that you would have us establish our Fortune, to found a Power which one day may counterbalance the Power of the *French*, or at least shelter us from their vast Designs. Nay, you will needs have *France* made the Instrument of a greatness in a Neighbour, which they ought to suspect, if they be not besotted by so putting *England* into a state to be able e're long to stop their Progresses, and erect a Bulwark in us against themselves. As if *France*, that is our hereditary Enemy, and hath so often tried what we are able to do against the Enlarging of their Empire ; who have graven deep in their hearts the injury of the Title which (to their shame) *England* carries in all publick Treaties, and her Trophies in reference to that Crown ; this very *France*, which hath no greater desire then to take the Dominion of the Sea from us, and the Precedency in Commerce, will help us (as you believe) to conquer the *Indies*, in which one third

part of his Realm is interess'd, and of which they do suck away all the Marrow with the semination of their Baubles, by the ill husbandry of the *Spaniards*; She who just now comes from Joyning with our Enemies against us, after she had first contrived how to broach the Quarrel between *England*, and the States of the *United Provinces* under divers false motions; who snatched the Victory out of our hands, when we were morally certain of beating the *Dutch*; who reduced the Bishop of *Munster* to a necessity of separating from us in this War, after that he had received our Assistance in large Sums of Money; debauched *Denmark* from our party; hindred the *Suedes* to arm in our favour, and contrived the whole Fabrick of that Affront which we received in the River of *Thames*: Can you, after all these demonstrations of the Rancour which they bear in their hearts against *England*, be so uningenuous as to believe that the *French* will make a Bridge for us on the other side of the Sea, as sincerely intending by this means to make us participate of their conquests with them, or ever to unite in a sound Amity with our Interests? For God's sake then disabuse your self, as soon as you can, out of this gross Errour, if it be so that it hath got the least Fixation in your mind; since you cannot cordially reason thus, or have the least hope of such an Incongruity in the Reason of State of other Nations, without conceiving at the same time that the *French* have lost both their Wits and Judgment; of which yet there is no great reason why we should think, as they have handled us in this matter of Negotiations of late: for therein I am sure that we do find them to have more than common sense.

*France* indeed will be glad to have us for the Instruments of their Ambition, but never for Companions of their Glory, or Rivals to their Greatness. The *French* do, I confess, seek to make use of us to pull the Chestnut out of the Fire, to save the burning of their fingers; but when that is done, the *French* will not endure that we should eat any bit of the Kernel. And the work which they do now make for us, both at home and abroad, is so incompatible with our Interest and Designs, as well as their own, that their Professions towards us at this time cannot possibly be sincere; except they be grown so kind on a sudden, as to overthrow all their Fundamental Laws, and in favour of *England* change the whole face of their Designs which they have hitherto been forming upon *Europe*.

They pretend that the *Low-Countries* are entirely fallen to them by the right of Devolution, which *France* hath forged to belong to its self. Then are all those Provinces by consequence united to the *French* Crown, nor can their King divide or alienate any part of them.

If this be true, to our advantage, though he would never so fain, but that it must be subject still to return again to their Tribunal, they have annulled the *Remembrance* of the *Infanta* of *Spain*, and thereby have formed a Right to the Succession of that Monarchy, in case the young King should come to fail of a Successor. So that the most Christian King can give us no share in the dismembring of *Spain*, without doing prejudice to a Right which he pretends to be acquired unalienably to his Crown, and whereof he himself may not otherwise dispose.

Next, let us view the Materials which we are to have, to build this new Edifice with. Either we must undertake this War at our own Charge, or at the Expence of *France*. If it be undertaken at the Cost of *France*, we must be their Hirelings (at best) as the *Tartars* be to the *Ottomans*; and cannot move one step beyond What and How they'll have us act: *France*, on these terms, will always hold the Bridle in our Teeth, and the *Cavesson* upon our Noses, to make us stop, turn and wind, in the middle of the Courses, just as they please. From the very first moment that we shall grow burthensome unto them, they have but to withdraw their Supplies, to make us fall headlong to the Ground; and then the Share which we pretend in their Conquests doth purely and arbitrarily depend on their discretion.

But if we shall underake to carry on this Design out of our own proper Purse, who shall furnish us with the Means of doing it? Do you believe that the Parliament and the People will give away their Substance to act against the true Interests of the Realm? and that they'll Bleed, to quench the ambitious Thirst of the *French*? or destroy *Spain*, from whence all the abundance of our Commerce is derived; and which even at this Instant grants unto us such notable Advantages by a Treaty which is solemnly ratified?

The part which *France* doth offer us in the Conquests of *Offend* and *Neuport* is a vast Liberality indeed, but still of other folks Goods. It would become them far better to restore back *Dunkirk* to *England*, which they cheated us of by Surprise; or the Town of *Callis*, which they have dismembred from our ancient Dominion. They take from

from us what is our own already, and present us with nothing but what is not in their power to give; because they cannot bestow either the Title or the Possession of what they do offer in this Kind upon us; which if we will have, we must gain it by the Point of the Sword. And this Train which they do shew us, is of the same nature with that sort of Temptations with which the Devil tempted our Saviour from the top of the Pinnacle. But do not you discover that this is a subtil Artifice to imbroil us again in a new War with the States of the *United Provinces*, who have the Interest to defend these two Places as much as if either *Amsterdam* or *Flushing* were so designed upon? And without an absolute Naval Victory we can never hope to conquer them; and such a Conquest at Sea too, as shall put the *Hollanders* out of all manner of possibility to afford any Succours in this Case. This is a very hard bone which *France* doth cast in for us to gnaw, whilst they eat all the Marrow of it. In fine, when the Arms of *France*, joyned to our Forces, shall have put us in possession of these two Places; yet they'll be totally useless to *England*, when *France* is possessed of all the rest: Because thus the *French* will shut us quite out of the whole Traffick of the *Low Countreys*, and will be always in a Condition to drive the *English* away from thence, unless we do resolve continually to keep a Fleet at Sea for the conserving of them.

If this Design be hollow and visionary, it is not less shameful then airy and full of Injustice. We have no manner of Pretention on the Monarchy of *Spain*, nor is it our *Genius* to whet our Spirits to form Castles in the Clouds of Chimerical Rights. What Glory can it be to our Arms to help to oppress a King in Minority, of six years old, by surprize; only because we find him now to be rudely attacked and unprovided; on a frivolous Pretext, immediately after the *French* had given the Queen his Mother, and his principal Ministers of State at *Madrid*, such solemn assurances to the contrary, as well as at *Paris*, touching the inviolable continuation of a good Peace and a sincere Friendship? The manner which *Spain* hath held and acted with us newly in relation to *England*, when we were assaulted by three powerful Enemies at one time, ought to oblige us, at least to be deaf to the artificial Allurements of *France*. For although the *French* have tried by all the ways imaginable, and with Offers incomparably more advantagious than those which they do make to us at present, to the end that so they might have gained the Forces of *Spain* to unite with them to our inevitable Oppression; yet was it never in their Power to shake the unalterable Amity which the *Spanish* Nation have for us by a kind of natural Sympathy, which one knows not how better to express than by the Immutability of it, whether we do oblige or disoblige them. Would it not then be an Ingratitude totally inconsistent with the Honour and the Hospitality of the *English* Temper, so soon to forget this Kindness; since at the same instant that *Spain* was the deepliest engaged against *Portugal*, they did notwithstanding openly oppose the Designs of *France* which seemed to the prejudice of *England*, by refusing them (in contemplation of us, firmly and with great Resolution) Passage for those Troops of theirs which they sent to ruine the Bishop of *Munster*, our Ally and Confederate then. We cannot complain of any Injury or Attempt wherein the *Spaniards* have tampered against *England*. No League nor ancient Treaty doth oblige us to second the Designs of *France*; and we cannot conclude new Aliances with the *French* to this purpose, without directly contravening that Treaty which we have lately ratified with *Spain*. Let us see then what the Herald is to say to the *Spaniards* that shall be sent to denounce War unto them on this Occasion from *England*; or with what Reasons we shall be able to fill a *Manifesto* which we would offer to the Publick, whereby to justifie the Causes of this Rupture. Wherefore I leave the Care, my Lord, to you, being that you seem to be the Author of this Counsel, to found it well in the point of Justice. But pray, see that you perform it better and with more grace than the Writer of the Queen of *France*'s Pretensions hath done.

I say farther yet, That this Design is both prejudicial and destructive; and that it carries along with it most pernicious Consequences, as well in the present time as the time to come. For from the very moment that we do break with *Spain*, our Commerce will cease, with the Effects of all those great Advantages which the *Spaniards* have newly granted unto us: and the Merchants of this Realm, who trade there, will justly be confiscated; since all the Profit that we draw from thence must on these terms infallibly redound in favour of the *Hollanders*, whilst our Arms do busie the *Spaniards* in the *Low Countreys*; and the *French*, as they do their utmost against *Spain*, at the same instant will seize their principal Ports into their Power, and thus become absolute Masters of the Commerce, by putting themselves into a

\* By the Treaty last ratified at *Madrid* by the Earl of *Sandwich*, His Majesty's Embassadour there.



Posture to erect a Dominion over the Sea, which we can never afterwards be able to resist. Not above three Years ago *France* was hardly able to set forth twenty Ships (that is to say, Men of War;) now they have sixty large Vessels, ready furnished and well armed, and do apply all their Industry and Pains in every part to augment the number. Could the Ghost of Queen *Elizabeth* return back into the World again, she would justly reproach us who are the Ministers of State here in *England*, for, having abandoned her good Maxims, by tamely suffering before our Eyes a Maritim Power to increase, which she so diligently kept down throughout the whole Course of her Reign. Whereas you are so far from opposing the Growth of this Power, that you rather seem to desire *England* should facilitate the ways to make it grow the faster, and render it yet more formidable than it is, by the Acquisition of the Sea Ports, which in conclusion must infallibly bring *France* to be Mistress of the Commerce of the *Indies*. All the World knows the vast quantity of Money and Arms which the *French* have accumulated to that end alone out of the richest Pursues of that Kingdom. I agree to what hath been said before very prudently in this Conference, that our Power and Greatness doth principally consist in the matter of Commerce; and therefore I conclude even from thence, by an unerorable Consequence, that Commerce ought to be the chief Object of our Jealousie, and that we are bound to be as tender of the Conservation of this Benefit as of the Apples of our Eyes. But then we must look far off how to prevent whatsoever may hinder the Progress of Trade, or diminish the Abundance of this Commerce. We have nothing to fear in this particular on the Account of *Spain*, which applies little towards Traffick, and leaveth almost all the Advantages thereof freely to the *English* in their own proper Ports. But if this Interest should fall into the Power of an industrious and active Nation, and a People covetous of Gain, as the *French* are, we are not to expect any Share of the Utility, or to partake with *France* therein; but rather that they will prescribe the Law of Commerce unto the *English*, according to their own Will and Pleasure. As soon as ever 'tis known that we do treat of Conjunction with *France*, one of these two things must necessarily happen: either that *Spain*, finding it self incapable to resist the Union of both Forces, will send a Blank to the *French* King to make such Conditions with them as he thinks best; by conceding unto him all their Portion in the *Low Countreys*; or that all the rest of the Powers of *Europe*, justly apprehending so terrible an Union, will joyn with *Spain* to stop the Torrent of our Designs. In the first state of the Case then, we shall quickly find our selves taken for persons deluded in this Negotiation, and *France* only gather all the Fruit of the Couzenage; of which the Shame of having been so grossly cheated can only remain to us, when the whole World discerns that the desire of Prey hath prevailed with *England* above the Faith of those solemn Treaties, which we have made with the Crown of *Spain*: and thus shall we obtain no other Advantage by having made such a false step, then to have facilitated the means for *France* to unite all the *Low Countreys* to that Crown without striking one Blow, to the eternal and irreparable Damage of the Crown of *England*. For who can assure us, that from the same instant when we do declare unto *France* our intention to unite with them, the *French*, instead of uniting their Party with *England*, will not rather prevail the sooner in their Pretensions with *Spain*, to make the *Spaniards*, because of this Apprehension, disposed to accord to whatsoever *France* shall demand? which is as the old Proverb says, *To keep the Mule at our Cost*, and hold the stirrup unto the *French*; or play a ridiculous part, in making use only of Scare-crows, and give a false Alarm to favour the Designs of others.

Next, who shall secure us that after *Spain* hath yielded, because of this Apprehension, the *Low Countreys* to the Disposition of *France*, That the *Spaniards* and the *French* shall not then streightly unite together, to be revenged of us, and bring us down? The affinity of Blood, Religion, and the hopes which the *Most Christian King* may found to himself upon the Succession to this Monarchy, (if the *Renunciation* of the Queen once comes to be annulled) are strong Links that may very well unite them together; and the principal of the Division which is at present berwixt them, having no other foundation but reciprocal Jealousie touching the Equality of their Power, this Emulation will expire as soon as ever that *France* doth see *Spain* in a Condition to be no longer able to dispute the Sovereign Arbitrage of *Christendom* with them; and the cause of their Hatred being taken away, all the Effects thereof will cease likewise. And then the common Interests of both will unite them in a Bond which is inseparable any more, from whence our Ruine must infallibly arise: because the Substance and Surety of *England* solely depends upon the Emulation of these

these two Powers, as the Temperament of a humane Body consists in the Opposition of the Elementary Qualities.

But what shall we say of the States of the *United Provinces*? Can we reasonably believe that they'll remain without Motion, or that they'll not awaken at the noise only of this Negotiation, which we shall carry on with *France* to the Destruction of *Spain*? Since 'tis evident, they have no other course to take than to prevent us, but by joyning themselves with *France* before we have finished this Treaty, or else to bind their Interests fast with the *Spanish* Crown and the Empire on the first Occasion. And then are we excluded from our Pretensions, and all the hopes of our vast Conquests, which we have fancied unto our selves. And in the next place also shall we be replunged into a long and dangerous War; from whence we came but just now, as it were, to escape with so much difficulty and damage. *France* hath yet proposed nothing unto us directly touching the Ports of *Ostend* and *Newport* to be given to the *English*; and 'tis apparent as to *England*, by sundry authentick Documents, that the *French* have no mind to treat seriously with us on this Point, unless that they do find us disposed to unite with *Spain* and the States of the *United Provinces* for the common Defence. Whereas 'tis no less certain, that the *French* have expressly made the very same Propositions, and more advantageous ones, unto the said States, by soliciting them to re-combine with *France* in order to their old Design of dividing the *Low Countries* mutually between each other, to the entire Exclusion both of us and the *Spaniards*, being fully agreed as to this particular, at the beginning of the War past.

Whereby 'tis clearly to be foreseen, that *France* considers us no farther then as the worst of their Prospects, and that the *French* will always be ready to buy dearer the Amity of the States of the *United Provinces* than ours. Would it not then be a great imprudence in us, to serve them as Instruments on such disgraceful and disadvantageous Terms, to contribute towards the engaging of the *Hollanders* to their Party? It being out of doubt, that the Jealousie which we should so give them of our Negotiation with *France* would be a powerful incitement to the States, to put them upon being before hand with us in this Treaty, and cut the Grass after this manner under our feet. But admit all this should cease, I do not see what Measures we can take at this time with *France*, nor what Assurances or Precautions the *French* may give us in a Treaty, so as to shelter *England* from the Danger of that known Maxim of theirs, which is, In all Confederations to be bound by no other Rule but their Interest merely. I avow that the Rupture of the *Pyrenean Treaty* frights me, and the remembrance of their Proceeding held with us heretofore throughout all the Course of our late War with *Holland* hath made me so incredulous, that they must shew me many miracles, and evident ones too, before I shall be converted to have the least good Opinion of the Sincerity of their Faith and Dealing.

That which you have alledged touching the Support which the Royal House of *England* may particularly hope for from the Amity of *France*, is both a delicate and a dangerous Stone to stir. The Glory and the Safety of our King doth only consist in the Love of his People, and a streight Union betwixt His Majesty and his present Parliament, since He hath no other sound Interest to rely upon but that of the Kingdom, having need of no other Arms or Assistance. The hearty affections of His Subjects and His own Royal Vertues will be as so many Cittadels erected to maintain His Authority; and any other project is contrary both to His Genius and His admirable Prudence. For all those who shall dare to inspire any other thoughts into His Majesty, will infallibly undergo the weight of His Displeasure, as Enemies to His Fame and Quiet. But at the Bottom of all, what help can He rationally expect from *France*, should He come to need it, (which God defend) after their unworthy abandoning of the King His Father in His great Distress, and of the King which now is likewise, when the Wheel of Fortune ran against them, even to the Extirpation of the Royal Line, had not He by whom Kings reign, wonderfully restored them to the Throne of their Ancestors? It was that shameful Treaty which the *French* ratified with those Usurpers then, that sacrificed *Charles* the First to the Ambition of the Tyrant *Oliver Cromwell*, who had snatched the Scepter from the right Owners and Proprietors thereof. Nay, to such a Degree was the Inhospitability of *France* grown at that time, though His Father were thus execrably Murdered before the Eyes of the *French*, our King's own Cousin-german refused Him a Retreat that might be secure for His own Person. Therefore 'tis fit that the *English* should be disabused once for all, by being better informed, since *France* is so far from being assisting or useful unto us upon this Conjunction, that in truth they do seek only to increase our Divisions and Troubles.

For

For 'tis both their Interest and Maxim so to do : which Conduct hath been exactly and hereditarily observed in their Counsels for many Ages together, (and newly in the last Civil War here) since all the Baits which they do present unto us are but so many Apples of Discord, which the French Emissaries cast up and down among us, purposely to embroil us with our Neighbours, or else with one another.

Next, let us consider at present whether we shall find our Accompt better with Spain. 'Tis evident that solid Reason of State doth totally incline us to leave that other way ; and you cannot but all acknowledge this to be our true Fundamental Maxim, whereby we may keep the Balance in *aequilibrio* ; and that our Safety doth most consist in such an *aequilibrio* : why then should we swerve from thence out of vain hopes, or quit the Body for the Shadow ? The Interest of Commerce no way invites us to take part with France : and this Truth is so notorious to all the people of England, that there is no Eloquence able to perswade them contrary to their own Experience therein. The Cause is just and favourable : A young \* Pupil unworthily oppressed ; a Peace so solemnly and piously established as lightly violated by a Process of Cavils and Legerdemain, by a Proceeding thereupon full of Surprisals and Violence, as well as Pretensions unjustly revived after an Authentick † Renunciation ; are so many voices which speak to the Root of our Consciences, to call us to that which we owe to Justice, Pity, good Neighbourhood, the Publick Cause of Christendom, and our selves. For in this matter is concerned no less than the Case of Royal Successions, which France will needs have submitted to the Customs of ordinary Citizens, and the Conservation of that Bulwark which is common to all these parts of Europe, against this Torrent which threatens the whole Vicinity with a great Inundation, and the assuring the Tranquility of the Christian Republic against an unquiet Nation, that will never desist from disturbing of it until their Insolence shall be abated.

\* The King of Spain.

† Vide The Buckler of State and Justice, Art. 4.

The Foundation then being so solid, because we shall in this Opposition have to treat with a Nation that makes profession of Honour and Generosity, which hath never yet been accused to be guilty of having violated any Publick Treaty, and that would rather ‖ hazard the loss of their Monarchy than their Reputation ; the Advantage is both secure and considerable : whereas on the account of France we shall appear but as little Accessories, and the French will carry us on as the First Motion, only according to the rapidness of their Progress, by applying us meely in the course of their Game to their own Ends : and thus shall we become the Ministers of their Ambition, and be made use of like a pair of Stairs, on which they do mean to tread in order to their obtaining the Universal Monarchy. In fine, their Interests, if that we are still predestinated to be thus grossly deluded, must be the Rule of ours, and our future Conduct too and Operations. But in taking part with Spain we shall be the Arbitrators of Peace and War, and enabled to give the whole weight unto the Resolutions of each Party. Then will France consider us with terror and the apprehension of what our Arms may do, and Spain by the addition of our Succours. If we do desire Conquests, we cannot hope for more lawful ones, nor easier Victories, than to re-unite by this means our ancient Dominion in France, which have formerly been dismembred from the Crown of England. But if we shall limit our Designs to the sole establishment of a Peace, we can find the Accompt both of Glory and Safety likewise therein : since it appears by Authentick Letters of Monsieur de Lion's writing, that France is resolved to be content with Reason, as soon as ever they do see England fixed to joyn with Spain and the States of the United Provinces. So that 'tis in our choice whether to make an advantageous War, or procure an honest Peace, at the first appearance of our preparations in Arms. Whereas, on the contrary, 'tis evident by the Interception of the aforesaid Dispatches, that they will despise all manner of Offices and Mediations that are not Armed, but rather pursue vigorously their Course whither Fortune shall drive it on, so long as they do meet with no powerful Obstacles in the way.

‖ The remarkable Integrity of Spain.

Therefore, because you seem to believe that Spain is reduced to so low a Condition, that our Relief would be altogether unuseful to them, and serve for nothing but to bring down the Vengeance of France exasperated upon us ; for God's sake, cure your self of this Pannick fear as soon as you can. 'Tis France endeavours to erect a formidable Power, if she finds no Opposition in the approaches thereunto ; and Spain probably must sink under the burthen, unless that Crown be succoured : though it is as true also, that the Mischief is easily to be prevented, if Remedies be applied thereunto in due time, and before that the Inconvenience root it self too deep. All the Advantage which France hath gained in this last Campaign, is no more than an effect of their Address, and the over-grown Credulity of Spain, rather than of their Valour.

and



and Power. All the Places which they have conquered in *Flanders*, are but great Country-Towns, where the People being ever the strongest, he that is Master of the Field carries always the Keys of them at his Girdle, to enter when he pleases; and the winning of one Batel recovers them back again.

*France* hath constantly yielded in every thing where she hath found a real Resistance, without gaining any thing beyond what the fright of an incommodated Multitude hath holpen them to acquire by such a Surprising Invasion. *Spain* hath yet great resorts to recur unto, provided only they can gain time, and the means of making them meet together, and thus recover their Spirits. We know that she hath made Contracts for considerable Sums of Money, and that the *Spaniards* are now about to put themselves in a way to be able shortly to withstand the strongest Shocks of the War: and by the little Diversion of the Forces of *France* which we may make without any prejudice to *England*, we can certainly put *Spain* into a Condition of attacking the *French*, as well as of defending it self, and so shall we reduce *France* into a necessity of demanding Peace. *Spain* is not unprovided of Friends nor Allies. The Emperour doth already make a great step in favour of the Circle of *Burgundy*, by taking of it intirely under his Protection, as a Member of his Body. The States of the *United Provinces* are not asleep, neither as to their own proper Interests upon this Conjunction, and after having tried in vain the sweeter ways of appeasing the Tempest, they will not abandon themselves on so pressing an Occasion, being that they do see well enough their Safety depends absolutely upon their Resolution. We know that they desire a sincere Alliance with us, and that they would make all the progresses necessary towards it, could they but discern in us any real disposition not to reject the Offer. *Sweden*, which is weary to serve but as an Instrument to the Interests of *France*, to the prejudice of their own Affairs, will no doubt also follow our Motions: and the most part (whom rather Fear than Love doth rye unto the Motions of *France*) will questionless take off the Mask, as soon as ever they shall see a considerable Power on foot to protect them: *France* is a Body replete with ill humours, which will easily degenerate into an universal Corruption, when the *French* are never so little shaken. The Jealousie alone which our Fleet will give them, must needs oblige them to employ the better part of their Troops to furnish their Maritime Coasts; and consequently render them the weaker every where else. Besides, it is plain that in this last Campaign, in which they thought to swallow all up at a bir, they made all the Force that they were able, and yet were not able notwithstanding to bring into the Field above Forty thousand men, after having drawn out of their Garrisons and the Provision of their Towns all the strength almost that they had there, whereby their Frontiers were left naked. Judge then to what point they'll be reduced, when they'll be put both to furnish their Places on all sides, and divide their Troops too, in *Alsatia*, *Italy*, the County of \* *Rosillon*, and *Flanders*; and that in all these Countries they'll meet with Enemies to fight against, as well as a multitude of Male-contentants at home, no less formidable within the Center of their own proper Bowels. For thus they can build no longer upon the strength of their Army, which is destroyed very near already by Labour, Sicknes, Diseases, and want of Pay. Wherefore they must begin anew, and with fresh Charges raise more men, because the ill usage which their Troops have received, doth render them so barren of Soldiers, that they are compelled to seek Recruits, and as it were beg Supplies, with vast sums of Money, from other States. And this Imaginary Fountain of Treasure of theirs, which here is thought to be un-exhaustible, will be found to have a bottom when our Fleet doth disturb their Commerce, the Credit which till then they may get with the Partisans, by means of oppressing the People, with Tax upon Tax, will fail. The Men of Business and the Natives, being pressed to unsupportable Extremities, will quickly either cast off the yoke, or sink under the burthen and the weight of those Impositions. Their incapacity to hold out any longer, is well enough seen, by the impossibility wherein they now find themselves to make good what they have promised the *Portugueses*, whose Friendship hath been formerly so necessary unto them. And if *Spain*, as 'tis hoped that it may do, once shall take a Resolution to be delivered of this intestine War with *Portugal* by some Accommodation, the *Spaniards* will soon be in a Condition of being useful to their Allies, and feared by their Enemies. But if we do suffer the Designs of *France* to pass by undiscovered, and impunitively to permit them to conquer the *Low Countries* towards the total oppression of *Spain*; then I cannot but avow that *France* thus will be most terrible unto us. And in case at present we are afraid of drawing their Revenge on our heads, then shall we have must juster cause to apprehend the future effects of their

Am.

\* or Catalonia.

Which is the same thing as our Banquer and Farmers of the Customs.

Ambition. Wherefore at the Bottom of all these Reasons, it seems to me that by the same Principle of Apprehension which you have of the *French*, we are obliged to oppose these Progresses of theirs, which if not stopped, would yet render them more redoubtable.

If so be that we do fear them in the Field, having so many Friends that do tender their Alliance unto us, our fear were much more justifiable, if after the rejecting of all those Offers, we alone were exposed to their mercy; or that our moderation could exempt us from their Out-rages, but on the contrary, rather give the *French* better Conveniencies of putting these Violences in Execution, should such an insipid Counsel prevail; for they'll never consider us farther than we do make our selves Considerable. They have printed Books of their Pretensions to *England*. Experience teaches us (even to this day) that 'tis enough with them to ground a War, without giving them any other cause of Hostility, That we have \* Kingdoms belonging to this Monarchy which may very well fit their Designs; which is enough to invite the *French* to attack them whilst *England* is weak.

\* Scotland  
and Ireland.

History likewise doth shew us, how that all our Alliances with the house of *Burgundy* have still been glorious and useful, and all those with *France*, unfortunate and prejudicial. 'Tis ever more dangerous to go out of the beaten Road, to travel through By-lanes, unknown, and dark untried Paths.

You'll easily agree with me, that the Union of the *United Provinces* with *France* is the thing of all others which we ought the most to apprehend as fatal to our Crown: and therefore, by consequence, nothing can be more safe for *England* than to disunite them. Heaven furnishes us now with an occasion of doing that, which we shall never be able to recover again, should it be neglected: and if we do suffer it to slip away, we shall bring that Republick into a necessity of tying this fatal Knot with *France* stronger than ever it was fastned before. This Union therefore above all others must be the Object of our Care, as it hath of late demonstratively been the cause of our Misfortunes.

I conclude then upon solid Foundations, without hesitating, That, in the first place, we must necessarily take part in this War, either with *Spain* or *France*: and next, that we must not engage blind-fold, without taking right Measures with those who have the same Interest that *England* hath in the Case: thirdly, that we must knit our Party firmly together, and get all the Advantages we can in this Treaty with *Spain*, as well as all the Security possible with other States; without yet exacting from *Spain* things which are intolerable unto them, whom the loss of the *Low Countries* for fear of being reduced by the Exorbitancy of our Demands, may plunge into a necessity of according to whatever *France* shall require.

This Discourse being ended, I observed by their Countenances, that the two Persons who spake first applauded this Opinion, and that the third man was much shaken. They had some farther speech together, but so softly, that I cannot well collect the sense of it: after which all the Company embraced, and gave one another their hand, with a reciprocal promise of secrecy, as well as an Union in the same Design. And thus they separated each a several way, with evidence of great satisfaction and friendship. And as soon as ever they were gone, I slipped back insensibly again into the former obscurity near the Bed, without being seen by any of the Domesticks. And thus whilst these particulars were fresh in memory, I did set them down in Paper, and all that I could remember of their Discourse only to satisfy my own Curiosity, and the Curiousness of my Friends.

OF THE  
FUNDAMENTAL LAWS,  
OR  
Politick Constitution  
OF THIS  
KINGDOM.

**F**undamental Laws are not (or at least need not be) any written Agreement like Meer-stones between King and People, the King himself being a part (not party) in those Laws, and the Commonwealth not being like a Corporation treated by Charter, but treating it self. But the Fundamental Law or Laws is a settling of the Laws of Nature and Common Equity (by common consent) in such a form of Polity and Government, as that they may be administered amongst us with honour and safety. For the first of which therefore, we are governed by a King: and for the second, by a Parliament, to oversee and take order that that honourable trust that is put into the hands of the King for the Dignity of the Kingdom, be rightly executed, and not abused to the alteration of the Politick Constitution taken up and approved, or to the destruction of that, for whose preservation it was ordered and intended. *A principal part of which honour, is that Royal Assent he is to give for the Enacting of such good Laws as the People shall choose, for they are first to consult their own safety and welfare, and then he who is to be intrusted with it, is to give an honourable Confirmation to it, and so to put an Impress of Majesty and Royal Authority upon it.*

Fundamental Laws then are not things of Capitulation between King and People, as if they were Foreigners and Strangers on to another, (nor ought they or any other Laws so to be, for then the King should govern for himself, not for his People) but they are things of Constitution, treating such a relation, and giving such an Existence and being by an external Polity to King and Subjects, as Head and Members, which Constitution in the very being of it is a Law held forth with more evidence, and written in the very heart of the Republick, far firmlier then can be by Pen and Paper, and in which sense we owe our Allegiance to the King as Head (not only by power, but influence) and so part of the Constitution, not as a party capitulating for a Prerogative against or contrary to it, which whosoever seeks to set up, or side with, do break their Allegiance, and rebel against the State, going about to deprive the King of his juridical and lawful Authority, conferred upon him by the Constitution of this State, under the pretence of investing him with an illegal and unconstitutional Power, whereupon may follow this grand Inconvenience, The withdrawalment of his Peoples Allegiance, which, as a Body connexed with the Head by the Constitution of this Kingdom, is owing to him; his Person in relation to the Body, as the enlivening and quickning Head thereof, being sacred and taken notice of by the Laws in that capacity, and under that notion is made inviolate.

And if it be conceived that Fundamental Laws must needs be only extant in writing, this is the next way to bring all to confusion, for then by the same Rule the King bids the Parliament produce those Laws that fundamentally give them their being.



ing, privilege and power, (*Which by the way is not like the Power of inferior Courts, that are Springs of the Parliament, dealing between Party and Party, but is answerable to their trust, this Court being it self Fundamental and Paramount, comprehending Law and Equity, and being intrusted by the whole for the whole, is not therefore to be circumscribed by any other Laws which have their being from it, not it from them, but only by that Law which at first gave its being, to wit, (Salus Populi).* By the same Rule I say the Parliament may also intreat the King to produce those Laws that Fundamentally give him his being, power and honour. Both which must therefore be determined, not by Laws, for they themselves are Laws, yea the most supreme and fundamental Law, giving Laws to Laws themselves, but by the received Constitution or Polity, which they themselves are; and the end of their Constitution is the Law or Rule of their Power, to wit, An honourable and safe Regiment of the Common-wealth, which Two whosoever goeth about to divide the one of them from the other, breaks the fundamental constitutive Law or Laws and Polity of this Kingdom, that Ordinance of Man which we are to submit unto; nor can or ought any Statute or written Law whatsoever, which is of latter Edition and inferior Condition, being but an Off-spring of this Root, be interpreted or brought in. Plea, against this primary and radical Constitution, without Guilt of the highest Treason and destructive Enmity to the Publick-weal and Polity, because by the very Constitution of this Kingdom, all Laws or interpretation of Laws tending to Confusion or Dissolution, are *ipso facto* void. In this case we may allude and say, That the Covenant which was 400 Years before the Law, an after-Act cannot disanul it.

Ob. It may be objected, That this Discourse seems to make our Government to be founded in Equity, not in Law, or upon that common rule of *Salus Populi*, which is alike common to all Nations, as well as any: And so what Difference?

Ans. The Fundamental Laws of England are nothing but the Common Laws of Equity and Nature reduced into a particular way of Policy, which Policy is the ground of our Title to them, and interest in them: For though it is true, that Nature hath invested all Nations in an equal right to the Laws of Nature and Equity by a common Bounty, without respect of Persons, yet the several Models of external Government and Policy renders them more or less capable of this their common Right: For though they have an equal Right in Nature to all the Laws of Nature and Equity, yet having fundamentally subjected themselves by their Politick Constitutions unto a Regal Servitude, by Barbarism or the like, they have thereby much disabled and divested themselves of that common Benefit. But on the contrary, where the outward Constitution or Polity of a Republick is purposely framed for the confirming and better conserving this common Right of Nature and Equity (as in ours) there is not only a common Right, but also a particular and lawful Power joyned with this Right for its Maintenance and Supportation. For whereas other People are without all supreme Power, either of making Laws or raising Monies, both these Bodies of Supremacy being in the arbitrary hands only of the Sovereign Magistrate amongst many Nations, these with us are in the hands of the supreme Government, (not Governour) or Court of Judicature, to wit, the King and Parliament; here the People (like Free-men) give Money to the King, he doth not take it; and offers Laws to be enacted, doth not receive them so: Now in such a constituted Kingdom, where the very Constitution its self is the fundamental Law of its own Preservation, as is this mixt Regiment of ours, consisting of King and Parliament, as Head and Body, comprehending Monarchy, Aristocracy, and Democracy; there the fundamental Laws are like fundamental Truths in these two Properties: First, they are comprehended in a very little room, to wit, Honour and Safety; and Secondly, they have their influence into all other inferior Laws which are to be subjected to them, and correspondent with them, as lawful Children and natural Branches.

Ob. But in Process of time there are many written Laws which seem at least to contradict this fundamental Constitution, and are not they binding notwithstanding it?

Ans. The Constitution of this Kingdom which gave its being, and which is the radical and fundamental Law thereof, ought therefore to command in chief, for that it never yields up its Authority to those inferior Laws, which have their being from it, nor ought they which spring from it tend to the Destruction of it, but on the contrary it is to derive its radical Virtue and Influence into all succeeding Laws, and they

they like Branches are to make the root flourish, from whence they spring, with exhibiting the lively and fructifying Virtue thereof, according to the Nature and Seasons of succeeding times ; things incident in after-ages not being able to be foreseen, and particularly provided for at the beginning, saving in the fundamental Law of *Salus Populi*, politickly established ; nor can any Laws growing out of that root, bear any other Fruit, then such as the nature thereof dictates ; for, for a particular branch to ruine the whole Foundation by a seeming sense contrary to it, or differing from it, is very absurd ; for then how can it be said, Thou bearest not the root, but the root thee ? Laws must always relish of, and drink in the Constitution or Polity where they are made ; and therefore with us, the Laws wherein the King is nominated, and so seems to put an absolute Authority into his hands must never so be construed, for that were with a breath to blow down all the Building at once ; but the King is there comprehended and meant under a two-fold Notion ; First, as trusted, being the Head, with that Power the Law confer'd upon him, for a Legal, and not an Absolute Purpose, tending to an honourable Preservation, not an unnatural Dissolution. Secondly, as meaning him juridically, not abstractly or personally, for so only the Law takes notice of the King as a juridical Person ; for till the Legislative Power be absolutely in the King, so that Laws come down from him to his People, and go not up from them to him, they must never be so interpreted : for as they have a juridical being and beginning, to wit, in Parliament, so must they have a suitable Execution and Administration, to wit, by the Courts, and legal Ministers, under the Kings Authority, which according to the Constitution of this Kingdom, he can no more suspend for the good of his People, than the Courts can theirs ; or if he do, to the publick hazard, then have the Courts this Advantage, that for publick Preservation they may and must provide upon that Principle, *The King can do no Wrong, neither in withholding Justice, nor Protection from his People*. So that then *Salus Populi* being so principally respected and provided for, according to the nature of our Constitution and Polity, and so being *Lex legum*, or the Rule of all Laws branching thence, then if any Law do by Variation of Times, Violence of Tyranny, or Misprision of Interpreters, vary there-from, it is a Bastard and not a Son, and is by the lawful Parents either to be reduced or cast out, as gending unto Bondage and ruine of the Inheritance, by attempting to erect an absolute and arbitrary Government. Nor can this equitable Exposition of particular Statutes taken from the Scope of the politick Constitution be denied without overthrow of just and legal Monarchy, (which ever tends to publick Good and Preservation) and the setting up of an unjust and illegal Tyranny, ruling, if not without Law, yet by abused Laws, turning them as conquered Ordinance upon the People. The very Scripture it self must borrow from its Scope and Principles for Explanation of particular Places, else it will be abused and (as it is through that Default) unto Heresies. See we not how falsely Satan quoted true Scripture to Christ when he tempted him, only by urging the Letter without the Equity, or true Intention and Meaning ? We are to know and do things *Verum vere, justum juste*, else we neither judge with righteous Judgment, nor obey with just Obedience.

*Ob. But is not the Parliament guilty of exercising an arbitrary Power, if their Proceedings be not regulated by written Laws, but by Salus Populi ?*

*Ans.* For the Parliament to be bound up by written Laws, is both destructive and absurd.

First, it is destructive, it being the Fundamental Court and Law, or the very *Salus Populi* of England, and ordained, as to make Laws, and see them executed, so to supply their Deficiency according to the present Exigency of things for publick Preservation by the Prerogative of *Salus Populi*, which is universally in them, and but particularly in particular Laws and Statutes, which cannot provide against all future Exigents, which the Law of Parliaments doth, and therefore are not they to be limits to this. And it would yet be further destructive, by cutting the Parliament short of half its Power at once, for it being a Court both of Law and Equity (as appears by the Power of making Laws, which is nothing but Equity reduced by common Consent into Polity) when ever it is circumscribed by written Laws, (which only is the Property of inferiour Courts) it ceaseth to be supreme, and divests it self of that inherent and uncircumscribed Power which *Salus Populi* comprehends.

Secondly, as it is destructive, so also it is absurd ; for the Legislative Power which gives Laws, is not to receive Laws, saving from the nature and end of its own Constitution.

stitution, which as they give it a being, so they endow it with Laws of Preservation both of it self and the whole, which it represents.

I would not herein be mis-understood, as if the Parliament, when as it only doth the Office of inferiour Courts, judging between Party and Party, were not limited by written Laws : there I grant it is, because therein it only deals between *meum* and *thuum*, which particular written Laws can and ought to determine : so that its superlative and uncircumscribed Power I intend only as relating to the Universe and the Affairs thereof, wherein it is to walk by its fundamental Principles, not by particular Precepts or Statutes, which are made by the Parliament, between King and People, not between People and Parliament : they are ordained to be Rules of Government to the King, agreeing with the Liberty and Property of the People, and Rules of Obedience to the People without detainment of their Freedom by the Exercise of an illegal, usurped and unconsented Power, whereunto Kings (especially in hereditary Monarchies) are very prone, which cannot be suspected by a Parliament, which is representatively the Publick, intrusted for it, and which is like to partake and share with the Publick, being but so many private Men put into Authority *pro tempore*, by common Consent, for common Good.

Nor is the Parliament hereby guilty of an arbitrary Government, or is it destructive to the Petition of Right, when as in providing for Publick-weal, it observes not the letter of the Law ; First, because as aforesaid, that Law was not made between Parliament and People, but by the People in Parliament between the King and them, as appears by the whole tenour of it, both in the complaining and praying parts, which wholly relate to the King. Secondly, because of the common Consent, that in the representative Body (the Parliament) is given thereunto, wherein *England* in her Polity imitates Nature in her Instincts, who is wont to violate particular Principles for publick Preservation, as when light things descend, and heavy ascend, to prevent a *Vacuum* : And Thirdly, because of the equitable Power which is inherent in a Parliament, and for publick Good is to be acted above and against any particular Statute, or all of them : And Fourthly, because the end of making that Law, to wit, the publick Preservation, is fulfilled in the breaking of it, which is lawful in a Parliament that is chosen by the whole for the whole, and are themselves also of the Body, though not in a King, for therein the Law saith, *Better a mischief than an inconvenience*. But it may be objected, Though it be not arbitrary for the Parliament to go against written Law, yet is it not so when they go against the Kings Consent, which the Law, even the fundamental Law, supposeth in Parliamentary Proceedings ; This hath been answered, That the King is juridically and according to the intention of the Law in his Courts, so that what the Parliament consults for the publick Good, That by Oath, and the Duty of his Office, and Nature of this Polity he is to consent unto, and in case he do deny it, yet in the Construction of the fundamental Law and Constitutions of this Kingdom, he is conceived to grant it, supposing the Head not be so unnatural to the Body that hath chosen it for good and not for evil.

But it will be answered, Where is the Kings Negative Voice if the Parliament may proceed without his Consent ? I answer, That there is no known nor written Law that gives him any ; and things of that nature are willingly believed till they be abused, or with too much Violence claimed. That his Majesty hath fundamentally a Right of Consent to the Enacting of Laws, is true, which (as aforesaid) is part of that honourable Trust constituted in him : And that this Royal Assent is an Act of Honour and not of Absolute and Negative Power or Prerogative, appears by these following Reasons.

First, by his Oath at the Coronation mentioned in one of the Parliaments Declarations where he doth or should swear to confirm and grant all such good Laws as his People *shall choose* to be observed, not *hath chosen*, for First, The word *concedis* in that Oath were then unnecessary, the Laws formerly Enacted being already granted by foregoing Kings, and so they need no more *Concession* or Confirmation, else we must run upon this Shelf, that all our Laws die with the old King, and receive their being anew, by the new Kings Consent. Secondly, hereby, the first and second Clause in that Interrogatory, viz. *Concedis justas leges & permittas protegendas*, are confounded and do but *idem repetere* ; Thirdly, *Quas Vulgus elegeris* implies only the Act of the People in a disjunctive sense from the Act or Consent of the King, but Laws already made have more than *Quas Vulgus elegeris*, they have also the Royal Consent too, so that that Phrase cannot mean them wherein the Act or Consent of the King is already involved.

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Secondly,



Secondly, by the Practice of requiring the Royal Assent even unto those very Acts of Subsidies which are granted to himself and for his own use, which it is supposed he will accept of, and yet *Honoris gratia* is his Royal Assent craved and contributed thereunto.

Thirdly, by the Kings not sitting in Parliament to debate and consult Laws, nor are they at all offered him by the Parliament to consider of, but to consent to, which yet are transmitted from one House to another, as well to consult as consent to, shewing thereby he hath no part in the consultory part of them (for that it belongs only to the People in Parliament to discern and consult their own good,) but he comes only at the time of Enacting, bringing his Royal Authority with him, as it were to set the Seal thereof to the Indenture already prepared by the People, for the King is Head of the Parliament in regard of his Authority, not in regard of his Reason or Judgment, as if it were to be opposed to the Reason or Judgment of both Houses (which is the Reason both of King and Kingdom) and therefore do they as consult, so also interpret Laws without him, supposing him to be a Person replenished with Honour and Royal Authority not skilled in Laws, nor to receive Information either of Law or Council in Parliamentary Affairs from any, saving from that supreme Court and highest Council of the King and Kingdom, which admits no counterpoise, being intrusted both as the wisest Counsel and justest Judicature.

Fourthly, either the choice of the People in Parliament is to be the Ground and Rule of the Kings Assent, or nothing but his Pleasure, and so all Bills tho' never so necessary for publick Good and Preservation, and after never so much pains and consultation of both Houses, may be rejected, and so they made meer Cyphers, and we brought to that pass, as neither to have no Laws, or such only as come immediately from the King (who oft is a man of Pleasure, and little seen in publick Affairs, to be able to judge) and so the Kingdoms great Council must be subordinated either to his meer Will, and then what Difference between a free Monarchy, and an absolute, saving that the one rules without Council, and the other against it, or at the best but to a Cabinet Council consisting commonly of Men of private Interests, but certainly of no publick Trust.

*Ob. But if the King must consent to such Laws as the Parliament shall abuse eo nomine, they may then propound unreasonable things to him, as to consent to his own Deposing, or to the lessening his own Revenue, &c.*

*Ans.* So that the issue is, whether it be fitter to trust the Wisdom and Integrity of our Parliament, or the Will and Pleasure of the King in this case of so great and publick Concernment. In a word, the King being made the Fountain of Justice and Protection to his People by the fundamental Laws or Constitution of this Kingdom, he is therefore to give life to such Acts and Things as tend thereunto, which Acts depend not upon his Pleasure, but though they are to receive their greater Vigour from him, yet are they not to be suspended at pleasure by him, for that which at first was intended by the Kingdom, for an honourable way of Subsistence and Administration must not be wrested contrary to the nature of this Polity, (which is a free and mixt Monarchy and not absolute) to its Destruction and Confusion, so that in case the King in his Person should decline his Dury, the King in his Courts is bound to perform it, where his Authority properly resides, for if he refuse that Honour which the Republick by its fundamental Constitution hath conferred upon him, and will not put forth the Acts of it, for the end it was given him, *viz.* for the Justice and Safety of his People, this hinders not but that they who have as fundamentally reserved a Power of being and well-being in their own hands by the Concurrence of Parliamentary Authority to the Royal Dignity, may thereby provide for their own Subsistence, wherein is acted the Kings juridical Authority though his personal pleasure be withheld, for his legal and juridical Power is included and supposed in the very being, and consequently in the Acts of Courts of Justice, whose being he may as well suspend as their Power of Acting, for that without this is but a Cypher, and therefore neither their being nor their acting so depend upon him, as not to be able to act and execute common Justice and Protection without him, in case he deny to act with them, and yet both so depend upon him, as that he is bound both in Dury and Honour, by the Constitution of this Polity to act in them and they for him, so that (according to that Axiom in Law) *The King can do no wrong*, because his juridical Power and Authority is always to controule his personal Miscalriages.

London's

# London's Flames Reviv'd:

OR, AN

## ACCOUNT

OF

### SEVERAL INFORMATION S

Exhibited to a Committee appointed by

## PARLIAMENT,

September the 25th, 1666.

To Enquire into the BURNING of L O N D O N.

WITH

Several other Informations concerning other Fires in *Southwark*,  
*Fetter-Lane*, and elsewhere.

**U**Pon the Second of September, 1666. the Fire began in London, at one Farriner's House, a Baker, in Pudding-Lane, between the Hours of One and Two in the Morning; and continued burning until the Sixth of September following, consuming, as by the Surveyors appears in Print, Three hundred seventy three Acres within the Walls of the City of London, and Sixty three Acres and Three Roods without the Walls: There remains Seventy five Acres and Three Roods yet standing within the Walls, unburnt. Eighty nine Parish Churches, besides Chappels, burnt. Eleven Parishes within the Walls yet standing. Houses burnt, Thirteen thousand and two hundred.

Per { *Jonas Moore* } Surveyors.  
      { *Ralph Gatrix* }

**U**Pon the 18th Day of September, 1666. the Parliament came together: And upon the 25th of the same Month, the House of Commons appointed a Committee to enquire into the Causes of the late Fire; before whom the following Informations were given in, and proved before the Committee; as by their Report will more clearly appear, bearing date the 22th of January, 1666. and upon the 8th of February following, the Parliament was Prorogued, before they came to give their Judgment thereupon.

*Did*

*Die Martis 25 Septembris 1666. 18 Car. 2.*

*Resolved, &c.*

THat a Committee be appointed to enquire into the Causes of the late Fire, and that it be referred to

Sir Charles Harbord	Mr. Robert Milward	Sir Robert Atkins
Mr. Sandys	Sir William Lowther	Sir Thomas Gower
Col. Birch	Sir Richard Vatley	Mr. Trevor
Sir Robert Brook	Sir Rowland Beckley	Sir Thomas Clifford
Sir Thomas Littleton	Sir Thomas Allen	Sir Henry Caesar
Mr. Prim	Mr. Wborwood	Sir John Monson
Mr. Jones	Mr. Coventry	Sir John Charleton
Sir Solomon Swale	Serj. Maynard	Lord Ancram
Sir Thomas Tomlins	Sir John Talbot	Mr. Pepis
Mr. Seymour	Mr. Morley	Sir Richard Everard
Mr. Finch	Mr. Garraway	Mr. Crouch
Lord Herbert	Sir Francis Goodrick	Mr. Mervel
Sir John Heath	Col. Strangersways	Sir William Hickman
Mr. Milward	Sir Edward Massey	Sir Richard Brown
Sir Richard Ford	Sir Edmond Walpool	Mr. Maynard

And they are to meet to Morrow, at Two of the Clock in the After-noon, in the Speaker's Chamber; and to send for Persons, Papers and Records.

*William Goldsbrough, Cler. Dom. Com.*

*October 9. 1666.*

Ordered, that these Members following be added to the Committee appointed to Enquire into the Causes of the late Fire, viz. Sir John Pelham, Mr. Hugh Buscoven, Mr. Giles Hungerford, Sir William Lewis, Sir Gilbert Gerrard, Sir John Brampton, Mr. Milward, Mr. Buscoven, and all the Members that serve for the City of London.

*Will. Goldsbrough, Cler. Dom. Com.*

*October 16. 1666.*

Ordered, That Mr. Davies, Sir Thomas Higgons, Mr. S. John, Sir Richard Franklin, Sir Thomas Tomkins, Mr. Devereux, Mr. Millard, Mr. Lewis, Mr. Dodswell, Sir James Thyn, Sir Edmond Pierse, Mr. Coleman, Sir Thomas Allen, Mr. Giles Hungerford, Mr. Churchill, be added to the Committee appointed to enquire into the Causes of the late Fire.

*Will. Goldsbrough, Cler. Dom. Com.*

THE Honourable Committee, according to the forementioned Orders of the House, did meet in the Speaker's Chamber, and having chose Sir Robert Brook for their Chairman, proceeded to receive many considerable Informations from divers credible Persons about the Matter wherewith they were intrusted, and thereupon did at last agree that Sir Robert Brook should make the ensuing Report to the Honourable House of Commons.



*The Report of Sir Robert Brook, Chair-man to the Committee that was appointed by the House of Commons to Enquire into the Firing of the City of London ; made the Two and Twentieth of January, 1666.*

**I**N a Letter from *Alanson* of the 23 of *August* 1666, *New Stile*, written from one *Dural* to a Gentleman lodging in the House of one of the Ministers of the French Church in London, called *Monsieur Herault*, there were these Expressions.

'Pray acquaint me with the truth of certain News which is common in this Countrey, That a Fire from Heaven is fallen upon a City called *Belke*, situated on the side of the River of *Thames*, where a World of People have been killed and burnt, and Houses also consumed. Which seemed a word of *Cabal*, cast out by those that were knowing, and others that might be ignorant of the signification of it.

*Mrs. Elizabeth Styles*, informs, That in *April* last, in an eager Discourse she had with a French Servant of *Sir Vere Fan*, he hastily reply'd, *You English Maids will like the Frenchmen better, when there is not a House left between Temple-Bar and London-Bridge*. To which she answered, *I hope your Eyes will never see that*. He replied, *This will come to pass between June and October*.

*William Tisdale* informs, That he being about the beginning of *July* at the Grey-hound in *St. Martins*, with one *Fitz Harris* an Irish Papist, heard him say, *There would be a sad Desolation in September, in November a worse, in December all would be united into one*. Whereupon he asked him, where this Desolation would be? He answered, *In London*.

*Mr. Light of Ratcliff*, having some Discourse with *Mr. Lanbourn* of the *Middle-Temple*, Barister, (reputed a zealous Papist) about *February* 15 last, after some Discourse in Disputation about Religion, he took him by the hand, and said to him, *You expect great things in Sixty Six, and think that Rome will be destroyed, but what if it be London?*

*Mr. Kitley of Barkin in Essex*, informs, That one *Mrs. Yazly*, a Papist, of *Ilford* in the said County, came unto his House, *August* the 13<sup>th</sup>. and being in Discourse with his Mother, said, *They say the next Thursday will be the hottest Day that ever was in England*. She replied, *I hope the hottest season of the Year is now past*. To which she answered, *I know not whether it be the hottest for Weather or for Action*. This *Mrs. Yazly* coming to the same House the Week after the Fire, *Mr. Kitley* said to her with some trouble, *I have often thought of your Hot Thursday : to which she replied, It was not indeed upon the Thursday, but it happened upon the Sunday was seven-night after*. *Mrs. Yazly* hearing this Evidence produced against her, endeavoured to avoid the Words, saying, *That upon the 13<sup>th</sup> of August she did tell Mrs. Kitley, That they say the next Thursday will be the darkest Thursday that ever was in England, but not otherwise ; which she affirms to have received from one Finchman, an old Woman of Ilford ; who being examined by a Justice of Peace to discover the truth thereof, denied that ever she said any such words to Mrs. Yazly, or that she had discoursed with her about any such Matter ; and as to the subsequent Words, she saith Mrs. Yazly denies ever to have spoken them : But Mr. Kitley offered in her presence (if it should be demanded) to bring his Mother and Wife to testify the same*.

*William Duckett Esq;* a Member of the House, informs, That one *Henry Baker* of *Chippenham* in the County of *Wilts*, coming from Market with one *John Woodman* of *Kelloway* in the same County, the Thursday before the Fire began in London, they had some Discourse about the Buying of a Yoke of Fat Bullocks, wherein they differed, because *Woodman* who was to Sell them was desired to keep them a while in his hands ; But the said *Woodman* denied so to do, for that as he alledged, he could not stay in the Country till that time which *Baker* would have them delivered to him in, and being asked whether he was a going, he refused to tell, asking what he had to do to make that Question : But riding a little further, the said *Woman* expressed

prest these Words, *You have brave Blades at Chippenham, you made Bonfires lately for beating the Dutch ; but since you delight in Bonfires, you shall have your Bellies full of them ere it be long : Adding, That if he lived one Week longer, he should see London as sad a London, as ever it was since the World began ; and in some short time after, he should see as bloody a time as ever was, since England was England.* This Discourse was not much taken notice of at that time it was spoken ; but when the City of London was burnt, the said Henry Baker gave this Information to the said Mr. Duckett ; and whereupon he issued out his Warrant to apprehend Woodman, but he was gone out of the Country, and cannot be heard of since.

Robert Hubert of Roan in Normandy, who acknowledged that he was one of those that fired the House of Mr. Farryner a Baker in Pudding-Lane, from whence the Fire had its beginning, confessed that he came out of France with one Stephen Peidloe about four Months before the Fire, and went into Sweden with him, where he also staid with him as his Companion four Months, and then they came together into England in a Swedish Ship called the Skipper, where he staid on Board with the said Peidloe till that Saturday Night in which the Fire brake out. When Peidloe taking him out of the Ship, carried him into Pudding-Lane, and he being earnest to know whither he would carry him, he would not satisfy him till he had brought him to the place, and then he told him, that he had brought three Balls, and gave him one of them to throw into the House. And he would have been further satisfied in the Design, as he said, before he would execute it : But Peidloe was so impatient that he would not hear him, and then he did the Fact ; which was, That he put a Fire-ball at the end of a long Pole, and lighting it with a piece of Match, he put it in at a Window, and staid till he saw the House in a Flame. He confessed that there were Three and twenty Complices, whereof Peidloe was the Chief.

Mr. Graves a French Merchant living in St. Mary Axe, informed this Committee, that he had known Hubert ever since he was four Years old, and hath ever observed him to be a Person of a mischievous Inclination, and therefore fit for any villanous Enterprize ; and because of his Knowledge he had of him, he went to visit him in Prison, where when he saw him, he could not but commiserate the Condition whereinto he had brought himself. And for his better Discovery of the Fact, he told him, the said Hubert, that he did not believe he had done that of which he confessed himself guilty. So which Hubert replied, *Yes Sir, I am guilty of it, and have been brought to it, by the instigation of Monsieur Peidloe ; but not out of any malice to the English Nation, but from a desire of Reward which he promised me upon my Return into France.*

It is observable, That this miserable Creature who confessed himself to the Committee, to be a Protestant was a Papist, and died so. And as for the aforesaid Peidloe, the said Mr. Graves informed, that he had had a full knowledge of him, and knew him to a very Deboist Person, and apt to any wicked Design. Moreover for a clear Conviction of the Guilt of the aforesaid Hubert, Mr. Lowman, the Keeper of the White-Lion Prison, was appointed to set him upon a Horse, and to go with him, and see if he could find out the place where he threw the Fire-Ball. Upon which, Hubert with more readiness than they that were well acquainted with the place, went to Pudding-Lane, unto the very place where the House that was first fired, stood, saying, *Here stood the House.* The Jaylor endeavoured to draw him from that belief, and putting him upon seeking another place ; but he positively persisted in what he had first said ; and affirmed that to have been the said House. It being intimated to the Committee, That notwithstanding the Confession of the said Hubert, it was confidently reported, the Fire in the forementioned Farryners House, began by Accident. The Committee therefore sent for him the said Farryner before them, who being examined, said, That it was impossible any Fire should happen in his House by Accident : For he had after Twelve of the Clock that Night gone through every Room thereof, and found no Fire but in one Chimney, where the Room was paved with Bricks, which Fire he diligently raked up in Embers. He was then asked, Whether no Window or Door might let in Wind to disturb those Coals ? He affirmed there was no possibility for any Wind to disturb them ; and that it was absolutely set on fire of Purpose.

Daves Weymanfel Esquire, one of His Majesties Justices of the Peace, informed, That he saw a Man apprehended in the Time of the Fire, near the Tem-  
ple,

ple, with his Pockets itufft with *Combustible Matter*, made of Flax, Tow, and such like Materials.

Doctor *John Packer* informs, That he saw a Person in the time of the Fire, throw some *Combustible Matter* into a Shop in the *Old Bailey*, which he thinks was the Shop of an Apothecary; and that immediately thereupon he saw a great smoak, and smelt a smell of *Brimstone*, The Person that did this, immediately run away; but upon the out-cry of the People he was taken by the Guards.

Mr. *Randal*, Mr. *Haslam*, Mr. *Humphrey Bowyer*, do all agree, That they saw a Person flinging something into a House near *St. Antholins Church*; and that thereupon the House was on fire, and the smoak thereof infested the adjacent Houses. And when this was done, there was *No fire near the place*.

Mr. *Michael March*, an Officer in the Trained Bands in a Company of *Sir Richard Browns's* apprehended a *Walloon* in the time of the Fire, at the *Nags-head* in *Leaden-hall Street*, with an Instrument like a *Dark-Lanthorn*, made (as is conceived) to lay a Train of Powder, and it was filled with Gun-powder. There were two more of the same Nation in his Company. They being asked to what use they employed the same Instrument, would give no Account thereof.

*Newton Killingsworth Esq;* informed, That he apprehended a Person during the Fire, about whom he found much *Combustible Matter*, and certain *black things*, of a long *figure*, which he could not indure to hold in his hand, by reason of their extream heat. This Person was so surprized at first, that he would not answer to any Question; but being on his way to *White-hall*, he acted the part of a Mad-man, and so continued while he was with him.

Sir *John Maynard* a Member of this House affirms, That he had some of that *Combustible Matter* in his hands; and though it were in its natural Substance, and unfired, yet the heat of it was scarcely to be endured by the touch.

Mr. *Freeman* of *Southwark* Brewer, (whose House was lately fired) informs, That on the Day his House was fired (about a quarter of an hour before that happened) a Paper with a Ball of Wild-fire, containing near a pound weight wrapt in it, was found in the Nave of a *Wheel*, in a *Wheelers Yard*, where lay a great quantity of Timber. How his House was fired, he knoweth not; but this he affirmed to the Committee, that it could not be by Accident, because there had not been any Candle or Fire in the House where the Hay lay, that whole day; and that the Hay being laid in very dry, and before *Midsummer*, could not possibly be set on Fire within it self. Moreover he said, that the Hay-loft was on Fire on the top of the House, and that the Fire spread from the one end of the Roof to another in an instant.

Mr. *Richard Harwood* informs, That being near the *Feathers Tavern* by *St. Pauls*, upon the Fourth of *September*, he saw something through a grate in a Cellar, like Wild-fire; by the sparkling and spitting of it, he could judge it to be no other; whereupon he gave notice of it, to some Souldiers that were near the place, who caused it to be quenched.

I had order from the Committee to acquaint you, that we traced several Persons upon strong Suspicion (during the Fire) to the Guards, but could not make further Discovery of them.

*Thus far was the Report.*

*What follows was given into the Committee, but not by them reported to the House at that time:*

IN Obedience to an Order directed to me, from the Honourable Committee of the House of Commons, then sitting in the Speaker's Chamber, on the Second of *October*, 1666. I did carry *Robert Hubert* to *St. Katherines Tower* by Water, to let me know the place where the *Swedish Ship* lay, that brought him and other *French-men* from *Stockholm*, and he brought me to the Dock over against Mr. *Corfells* his Brew-house, and did then verifie to me and Mr. *Corfells*, that the Ship lay there, until such time as he with Mr. *Peidloe* and others did go and set Fire to a House. And this *Hubert* did then further say, That Mr. *Peidloe* did fix two Fire-balls to a long Pole, and put them into



into a Window, and that he the said *Robert Hubert* did fire one in the same manner, and put it in at the same Window. But with all the inquiry and diligence that I could use, I could neither find nor hear of any such Vessel. And from thence I carried the said *Robert Hubert* to *Tower-hill*, and did then desire him to shew me the House that they did fire, and he said that it was near the Bridge. So we went along *Thames-street* towards the Bridge; but before we came to the Bridge, the said *Robert Hubert* said, that the House was up there (pointing with his hand up *Pudding-lane*;) So I bid him go to the place, and he went along the Bricks and Rubbish, and made a stand: Then I did ask one *Robert Penny*, a Wine-porter, which was the Bakers House; and he told me, that was the house where the aforesaid *Robert Hubert* stood. So I went to *Robert Hubert*, and stood by him, and turned my Back towards the Bakers House, and demanded of him which House it was that he fired, (directing to other Houses contrary to that house) but he turning himself about, said, *This was the house* (pointing to the Bakers House) *that was first fired*. Then by reason of his Lameness, I set him on a Horse, and carried him to several other places, but no other place he would acknowledge; but rode back again to the Bakers House, and said again, *That was the House* (pointing at the Bakers-house.) And this I do humbly certify to this Honourable Committee.

By me *John Lowman*, Keeper of His Majesty's County-Goal for *Surry*.

S I R,

Hearing that you are Chair-man to the Committee for examining the Fire of *London*, I thought good to acquaint you with this Information that I have received *William Chappneys*, a Hatband-maker, now living upon *Horsly-down*, was upon Tuesday Morning, September, the 14th. 1666. In *Shoe-lane*, and there met with a Constable who had apprehended a French-man whom he took firing a House there with Fire-balls, and charged the said *Chappneys* to assist him, who carried the said French-man to *Salisbury Court*, hoping there to have found a Justice; but finding that place burning down, returned into *Fleet-street*, who was presently called upon by the Commander of the Life Guard; to know what the matter was: the Constable told him, he had apprehended a French-man firing a House in *Shoe-lane*, he examined the Person, and committed him to the Guard, and told the Constable, he would secure him, and carried him along with him. The Constable asked him, whether he should go along with him, to give in his Evidence: He replied, that he had done enough, and might go home. But what became of the French-man, he knoweth not.

Your Humble Servant, S. G.

In a Letter directed from *Ipswich*, for the Honourable Sir *Robert Brook*, it is intimated, That about the 30th of August, 1666. One of the Constables of *Cotton of Harmer Hundred*, being about the Survey of that Town, about Hearth-money, was told by one Mr. *William Thomson*, a Roman Catholick in that Town, That though times were like to be sad, yet if he found any cause to change his Religion, he would see he should not want: And further said to him, *What will you say, if you should hear that London is burnt?*

The Affidavits touching a French-man, that said there were three Hundred of them Engaged in Firing the City.

The Informations of Richard Cound of *St. Giles in the Fields*, Ironmonger; William Cotes, Samuel Page, Francis Cogny, Edmond Daikns, and Richard Pardoe taken the 8th Day of September, 1666. by Sir Justinian Lewen Knight, one of his Majesty's Justices of the Peace for the County of Middlesex, upon Oath, as followeth.

Richard Cound saith, That upon Tuesday night last about Twelve or one of the Clock, there was a French-man brought by the Watch to this Informant's Father's House, being at the Sign of the *White-bart* in *King-street*, taken as a suspicious Person; The said Person being questioned by them, whether he was not one of those

those that fired the City, or had any Hand therein, or any Privity or Knowledge of any that had designed the same, or words to that effect; the said Person answered a great while in a perverse manner, quite different from the Question. But being further pressed to tell the truth, and being told, that if he were guilty, it would be the only way to save his Life; he did at first obstinately deny, that he knew any thing of any Plot. Whereupon a young Man took the Prisoner aside, to the end of the Room, and after some private Discourse between them, they both returned to this Informant and the rest of the Company, and the said young Man spake openly to us, in the hearing of the Prisoner, That the said French-man and Prisoner had confessed, there were *Three hundred French-men that were in a Plot or Conspiracy to fire the City.* Upon which this Informant and others spake to the said French-man in these Words, or to the same effect: *Well, Monsieur, you have done very well to confess what you have done, and no doubt but you may have your pardon, if you will confess all you know of this Plot:* And thereupon further asked him, *Are there no more than Three hundred Persons in the said Plot?* He answered, *There are no more than Three hundred Persons.* Then we inquired who they were, and how he came to know they were *Three hundred,*? To which he would give no direct answer, but put it off with other extravagant Discourse. And being asked why he came to St. Giles's Parish (where he was apprehended.) He told a Story, that he came from *Islington Fields*, where his Masters Goods were; but the Goods were now removed, he could not tell whither; and that his Master bid him go up and down the Fields, but would not declare upon what Occasion, or for what end he was so to do; and being asked whether there were *Three hundred* Persons engaged in this Design or Plot? He replied that there were *Three hundred* engaged in it.

*The several Informations of William Cotes of Cow-lane of London, Painter; of Samuel Page of St. Giles in the Fields, Weaver; of Edmund Dakins of St. Giles aforesaid, Bookeller; of Francis Cogky of St. Andrews, Holborn; of Richard Pardoe, Vis-sualler, taken upon Oath, &c. tend to the Confirmation of the foregoing Relation.*

*An Extract of a Letter from Hydeburgh in the Palatinate,  
September, 29. 1666.*

SIR,

**Y**ours of the Sixth current came on Wednesday to me, and brought the ill tidings of the burning of London, constantly expected and discoursed of amongst the Jesuits to my knowledge for these fifteen Years last past, as to happen in this Year. In which they do also promise to themselves and others Introduction of the publick Exercise of the Catholick Religion. This Letter was sent to Mr. Alton, who lives in New Gravel-lane in Shadwel, who negotiates the Business of the Palatinate, and will produce the Original if there be Occasion.

*The Information of John Chishul, Schoolmaster in Enfield.*

**U**Pon Friday August, 31. Mrs. St. George, and her eldest Daughter *Susanna St. George*, both Popish Recusants, came to visit Mrs. *Rebecca Eves*, Widow, at her House in Enfield; where speaking concerning the Session of Parliament drawing nigh, Mrs. St. George told her, that some would hereafter be called to account for a Plot. Being asked for what? She told her in her ear, *For burning the City.* Mrs. Eves afterwards hearing of the firing of London, (and going to a place where she might behold it) met with Mrs. *Susanna St. George*, (and amongst other Discourse) told her how much her Mothers words, which she spake the Friday before, did run in her thoughts; which she repeated to her Daughter, who made this Reply, That her Mother was very apt to talk, and that she had been fain to keep her Mother within doors during the Fire, fearing lest she should talk.

After this (during the Fire) Mrs. Eves met with Mrs. Cook, another Popish Recusant, and of the same Family; to whom she also related Mrs. St. George her Words: who made this Return, That she was a worthy Woman to keep Council!

Also the Lady St. George at Enfield, in the Lord of Lincoln's House, declared to Mrs. *Rebecca Eves* of the said Town, That within a few Days, the City of London would be laid in ashes. This was spoken about two Days before the Fire happened.

*Mrs. Eves of Enfield her Examination before Mr. Jolliff and Mr. Marvel, December, 20. 1666. concerning Mrs. St. George.*

**M**RS. Rebecca Eves of Enfield, three or four Days, or within a Week before the Fire, receiving a Visit in her own House, from Mrs. St. George (amongst other Discourse) Mrs. St. George ask'd her, What News she heard? And if she knew when the Parliament sat? Mrs. Eves replied, She thought, shortly. The other ask'd, If she heard of any that were to be called in question before the Parliament? Mrs. Eves said, *About what?* Mrs. St. George said, *About a Plot.* Mrs. Eves asked, *What Plot?* Mrs. St. George answered, *About firing the City.* Mrs. Eves said, *I hope God will preserve the City; but People use not to be questioned before the Fact be committed.* So the Discourse was waded for that time.

At the time of the Fire, Mrs. Eves went out to look towards the Fire; and mentioning Mrs. St. George, one in the Company replied behind her, (but she cannot certainly fix the Person) *A prime woman to keep Council!* After the Fire, Mrs. St. George her Daughter came to Mrs. Eves, who asked her, If she remembered what her Mother had said? She said, *My Mother is such a Woman, she will speak what she thinks.* Afterwards she said, That she had much ado to keep her Mother in at the time of the Fire, lest she should speak some things she should be questioned for.

At the first Discourse, Mrs. Eves, her Daughter, and others of the Family were present. Mr. St. George, his Wife, and Family, have since left Enfield. They are all great Papists, and there are many more in the Neighbourhood.

*A Letter directed, and sent by the Post to Mr. Samuel Thurlton, in Leicestershire, from a Person unknown, as followeth; Dated, October, 1666.*

*My Friend,*

**Y**OUR Presence is now more necessary at London, than where you are, that you may determine how to dispose of your Estate in Southwark: For it is determined by Humane Council (if not frustrated by Divine Power) that the Suburbs will shortly be destroyed. Your Capacity is large enough to understand: Proceed as your Genius shall instruct you.

*Cave, Cave, Fuge, Vale.*

**S**aturday the First of September, 1666, the Day before the Fire in London, came one Urmstraw from Ireland, with a Letter from thence, to one Esq; Holcroft, at Eastham in Essex, (being related to that Family by Marriage;) where he supped. After which he asked the Esquire, If he had heard any thing of the Firing of London? Who answered No. But Urmstraw said, He would shortly; for it was, or would be so that Night. The Esquire answered, if it were, he hoped it might be quenched again; as it had been many a time. But Urmstraw answered, No, it would not be quenched; for it should be said of it, as of Troy: repeating a Latin Verse,

*Nunc Seges est ubi Troja fuit.*

*Now Corn grows where Troy-Town stood.*

This Discourse was managed pleasantly by him; after which they went to their Beds: And in the Morning, this Urmstraw enquires earnestly, Whether they had heard of the Firing of London that Night? They answered, No. But he prayed him to send one of the Family out, to enquire; and, doubtless, they would hear of it. Upon which a Messenger was sent; who brought word from a Man that travelled upon the Road, that it was on fire indeed. After Dinner, this Urmstraw desired his Horse to be saddled that he might be gone. The Esquire intreats him to stay till next Morning: But he answered, *Therefore I would see London before it be quite burnt; for I shall never see it more.*

Sunday Morning, the Fire being begun in London, a Person coming from Deptford, when he came to Barnaby-street end in Southwark, hears a Woman cry out against a French-man, for throwing Fire-balls; he runs after him, and lays hold of him. He asked



asked him, what Commission he had for so doing? He answered, That his Commission was in his Constancy. The People coming in, they searched him, and found Fire-balls in his Pockets. He was delivered to the Guard in *Southwark*, but heard of no more.

A Citizen being fired out of his House, had hired a Lodging in *Queen street* in *Covent Garden*; and going up *Holborn*, there being a Crowd of People, steps in amongst them, and hears a Woman say, that she had a hand in firing the City. The People ask'd her, whether she was an *Anabaptist*? She said, No. *Are you an Independent*? She said, No. *Are you a Presbyterian*? She said, No. *Are you a Roman Catholick*? To which she would give no answer. The Citizen asked her, *But, Mistress; Had you a hand in burning the City*? She answered, *What would you have me to say? I have confessed it already, and do deserve to die for it.* This she said, with great trembling; and seem'd to be much troubled. The Citizen enquired for a Constable: The People reply, There was one gone for. But a Gallant comes, and takes her by the Arm, and leads her away: saying, He would have her examined: And forthwith, another Gallant closeth with him; and they both carried her to the *Griffin-Tavern* in *Holbourn*. The Citizen follows them, to see the Result of the Business: But they with the Master of the house, shut out the Company (all but the Citizen, supposing him to be one of their own Company,) but asking one the other concerning him, and finding him not of them, put him out again. Whereupon, he goes to the next Company of Souldiers, and enquires for their Captain: who replyed, He was not there; but told him, *Yonder is my L. C.* Unto whom the Citizen repaired; and acquainted his Lordship, That there was a Woman apprehended (and rescued by a couple of Gallants) that had confessed she had a hand in burning the City, and was at such a Tavern. Whereupon the L. C. called to a Captain in the Street, and ordered him to go with that Man, and apprehend the Woman that he should direct him to. Whereupon, he goes with the Citizen, and takes her, with the first Gallant, who stood up highly in her defence, and carries them both to an Ale-house on the other side of the way. The Citizen perceiving that nothing would be done with her, leaves his Name with the Captain, and where he might be found; but was never called for, to justify the Words spoken by her.

A Woman standing in *White-Chappel* with a Company about her, was ask'd what the matter was? She said, that she met two young Men in that place, and asked them how it was with the Fire: They answered *'Tis now almost out, if it can be kept so; but the Rogues renew it with their Fire-balls.* As saith another Woman, *Young men if you have a heart to it, you may be bired to throw them.* It was ask'd her, What was become of the Woman that spake thus? She answered, That she had apprehended her, and delivered her to the under Beadle of *White-Chappel* Parish. The Woman falling under the Accusation (not being able to deny it) there being many Witnesses at that time that heard it: She was delivered to Sir *John Robinson* but heard of no more.

One from *France* writes to his Correspondent in *London*, to know the truth of what was muttered in *Paris*, Whether *London* was laid in ashes or no. The Letter being dated a Week before the Fire began.

From *Surrey* in or near *Darkin*, a Person in ordinary habit, who was yet observed to take place of all the Nobility and Gentry among the *Papists*, seeing the People of *Darkin* mourn for the burning of the City, he spake slightly of it, telling them, they should have something else to trouble themselves for; and that shortly *Darkin* should be laid as low as *London*. Whereupon the People made at him, and one *Tr. H.* a great *Papist* rescues him, and sends him away in his Coach to *London*. This was deposed before Sir *Adam Brown*, a Justice of Peace, and a Member of Parliament.

These

These following Relations (for Substance) were delivered to Sir Robert Brooks, Chair-man of the Committee, a little before the Prorogation of the Parliament.

*A true Relation made by one of the Grand Jury, at Hick's-Hall, at a general Quarter-Sessions, presently after the Fire in London, who was upon Trial of some of those that fired the City.*

**T**hat near *West-Smithfield* in *Chicklane*, there was a Man taken in the very Act of firing a House, by the Inhabitants and Neighbours; and carrying him away through *Smithfield*, to have him before a Justice for the Fact committed, the King's Life Guard perceiving it, made up unto them, and demanded their Prisoner from them; but they refused to let him go. The Life-Guard Men told them, That he was one of the King's Servants, and said, *We will have him*. And thereupon they drew out their Swords and Pistols, and rescued him out of the Peoples hands by force of Arms.

A Bill of Indictment was brought against him, and two or three Witnesses did swear unto it, and the Bill was found by the Grand-Jury, who did carry it to the *Old Baily*, and presented it to the Lord Chief Justice; but it came to no further Trial, nor was ever seen after at the *Old Baily*, so far as this Person, upon his best Enquiry, could ever hear, or learn.

*Concerning an House-keeper at So-ho, who fired his own Dwelling-house.*

**F**irst he secured all his Goods in his Garden, and then went in and fired his House; which when he had done, he endeavoured to get away out at his Fore-door. A Neighbour demanded of him, Who had fired his House? He answered, *The Devil*. Upon that, his Neighbour bad him stand, or he would run his Halbert into his Guts. His answer was, *If you do, there are enough left behind me to do the Work*. Whereupon, he was secur'd, and a Bill of Indictment brought against him, and about three Witnesses did swear to it: And his Son came in as Witness against him; who was demanded by the Foreman, What he could say as to the firing of his Father's House? He said, That his Father did fire it with a Fire-ball. It was demanded of him, Whether he did fire it above stairs, or below? He answered, *Above stairs*. The Bill was likewise found, but the Petty-jury did not find him guilty.

A Maid was taken in the Street, with two Fire-balls in her Lap: Some did demand of her, Where she had them? She said, One of the King's Life-guard threw them into her Lap. She was asked, Why she had not caused him to be apprehended? She said, That she knew not what they were. She was indicted for this, and the Bill found against her, and turned over to the *Old Baily*; but no Prosecution upon it.

In the time of the Fire, a Constable took a *French-man* firing an house, seized on him; and going to a Magistrate with him, met his R. H. the D. T. who asked the Reason of the Tumult. One told him, that a *French-man* was taken firing a House: His H. called for the Man, who spake to him in *French*: The D. asked, Who would attest it? The Constable said, *I took him in the Act, and I will attest it*. The D. took him into his Custody, and said, *I will secure him*. But he was heard of no more.

On *Monday* the third of *September*, there was a *French-man* taken firing a house; and upon searching of him, Fire-balls were found about him. At which time four of the Life-Guard rescued the *French-man*, and took him away from the People, after their usual manner in the whole time of the Fire.

One Mr. *Belland*, a *French-man*, living at *Maribone*, who bought great store of *Past-board* for a considerable time before the Fire of the City of *London*, to the Quantity of twenty gross in one Shop, and much more elsewhere, was asked by a Citizen, What he did with all that *Past-board*? He answered that he made Fire-works for the King's Pleasure. The Citizen asked him, *What doth the King give you*? He replied,

plyed, *Nothing, only I have respect at Court*: The Citizen said, *Take heed, Mr. Belland, you do not expend your Estate, and then lose your Respect at Court, for you are at a great Charge*. Belland answered, *Sir, do you think this a great matter? I use all this my self; But if you did see all the great quantities I have made elsewhere in three several places; three, four, and five miles off, you would say something*. Another time the Stationer with whom he dealt for the Past-board, being at his house in *Maribone*, and wondring at the many Thousands of Fire-works, that lay piled up of several forts, he said, *Sir, do you wonder at this? If you should see the quantity that I have made elsewhere by other Men, you would wonder indeed*.

The Sunday before the Fire began, this *Belland* came to the Shop where he was wont to buy his Past-board, but the Stationer being not there, he desired a Citizen (the Stationers's Neighbour) to speak to him, and to let him know that he had much wronged him in disappointing him of the four Grofs of Past-board which he should have had of him, and said that he should not do his work by the time; and that if he had it not by *Tuesday* night, it would come too late, he should have no occasion for it after that (which was the *Tuesday* Night before the Fire) *Mr. Belland*, (said the Citizen) *What is the reason of your haste? Have you any Shew suddenly before the King?* At which he blush'd, and would give no answer. Says the Citizen, *What kind of Fire-works do you make? only such as will crack and run?* Belland answered, *I make of all sorts? some that will burn and make no crack at all, but will fly up in a pure body of Flame, higher then the top of Paul's, and waver in the air*, Says the Citizen, *Mr. Belland, when you make your Shew, shall I see it?* Yes, said Belland, *I promise you, and gave his hand upon it*. Which Citizen in the time of the Fire being upon the *Thames* in a Boat, saw to his great Amazement, fundry Bodies of Fire, burning above the Fire of the Houses as high again as *Paul's*, wavering in the Air, directly according to Belland's Description.

And after the burning of the City, some Citizen agreed to go to *Maribone*, to speak with this *Belland*; and by the way, met with his two Maids and his Boy; and having some knowledge of them, asked for young *Mr. Belland*: who told them, he was not at home, neither knew they where he was. But the Citizens observing, that they carried with them Rabbits and Capons ready dress'd, concluded they were going to him, and told them so, whereat they were furly, and bade them go look him, for they would not tell them where he was. Upon that, the Citizens resolv'd to follow them, and did, till they came to *Whitehall*. The servants went up Stairs, and down stairs, on purpose to have lost them, but could not, for they kept close to them: And at last, one of the Maids went to a Door, and knocked; crying out, They were dogged by two Men, that they could not be rid of. With that, young *Mr. Belland* opened the Door, saying to one of the Citizens, *Sir, your Servant: How do you do?* One of them answered, *Both I, and many thousand Families more, are the worse for you; for you, under pretence of making Fire-works for the King, have destroy'd a famous City, and ruin'd a noble People*. To which Belland replies, *I make nothing but innocent things, that will do no harm; for which I have a Patent from the King*. But the Citizen answered, *If the King gave you a Patent, it was but for your self*. Who answered, *No*. Said the Citizen, *What made you then to employ so many Men, in so many Places?* No, said Belland, *I set no man to work; neither know I any Man that makes of them, but my self; tho' he had often before said otherwise*. While they were thus discoursing, old *Belland* looks from under the Hangings; *Sir*, said he, *I hear you charge my Son with Suspicion of burning the City; I pray you, speak lower*, (casting his eyes about, fearing the Ladies, passing by, might hear; ) and said, *My Son doth nothing, but what he hath a Patent from the King for; and shall have an Order to sue any Man, that shall accuse him*. And he said, *My Son is no Prisoner, but lodged here, to prevent him from the rage of the Common People*. Well, said the Citizen, *You must give an Account for what you have done*: And so they shut the Door upon them. The Citizen went, and enquired whose Lodgings they were; and were told, they belonged to a Lady.



*The Information of Thomas Middleton Chyrurgeon, late Inhabitant of St. Brides, London.*

**I** The said *Thomas Middleton* do hereby certifie, That upon the *Sunday* in the After-noon (the Day wherein the dreadful Fire brake out in *Pudding-Lane*, which consumed the City) hearing the general Out-cry, that the City was fired by *Papists* and *French*, I repair'd to the top of a Church-steeple, near the *Three Cranes*, in the *Vintrey*; where my self, and several others, observ'd the Motion of the Fire for two or three Hours together: And we all took Notice, that the Fire did break forth out of several Houses, when the Houses which were then burning were at a good distance from them every way. And more particularly, I saw the Fire break out from the inside of *Lawrence Poulney-steeple*, when there was no Fire near it. These, and such like observations begat in me a Perswasion, that the Fire was maintained by Design. Upon *Monday*, I repaired again into the City, and found, as the Day before, that the Fire did break forth in fresh Houses, at a great distance one from another. And as I was returning home, passing through *Watling-street*, by a Tobacco Merchant's House, I saw the Master of the House come down Stairs, driving a young Fellow before him; saying to him, *You Rogue, do you come to rob me? What did you do in my Garret?* Or Words to that purpose; and pulst him out of doors: All which I observ'd, and he seem'd to be a *French-man*: He was a short, black Fellow, of about Two and twenty Years of Age: And as soon as he was out of the House, he having a loose Coat on, in a way of privacy, shuffles something under his Coat; whereupon, I laid hold of him, and said, *Sirrah, What have you there?* The Fellow replied, *What is that to you; the Master of the House knows me.* Upon that, I ask'd the Master of the House, whether he knew the Fellow: He answer'd, He knew him not. Whereupon I search'd the Fellow, and found a Horn of Powder about him; and as soon as the Powder was discovered, he fell a rubbing of his Hands, they being all black with Powder. He had also about him a Book intituled, *The Jewish Government*. I charged him that he was a *French-man*, because he spake broken *English*, but he denied it, and did much vaunt himself. There coming a Constable by with his Staff, I required him to carry him to Prison, and I would assist him: So we convey'd him to *Old-Bridewell*; and by the way, the People were ready to kill him; calling him *French-Rascal*. I pray'd them to forbear, for Justice would give him Reward. I told the Fellow, he would be hang'd; he made slight of it, saying, *If I die, my Soul shall be saved, but yours shall be damned.* And when he was put into *Bridewell*, I desired that he might be secured, and none suttered to speak with him, till he were examined before a Magistrate, because the Tobacco Merchant's house was presently burned upon it. But so it happened on the next Day, that the fire came on, and consumed my House and Goods; so that I was forced, with my Family, to flee into the Country; and what became of the Fellow, I know not; old *Bridewell* being burnt also. And understanding that the Parliament hath appointed a Committee to enquire after the Actors in, and Fomentors of that terrible Fire; I thought good to inform the Honourable Committee thereof, that they may send for the Keeper of the said *Bridewell*, to know what became of the Fellow, that he might receive Justice according to his Demerit. Thus much I thought my self obliged to do, as in Duty bound to God and my Country; all which I am ready to affirm upon Oath, when I shall be thereunto called.

*Tho. Middleton.*

**I**N the time of the Fire, near *Bridewell*, there was a Man sadly bemoaning the great loss he was like to sustain (the Fire then being within Five or six Houses of him) did beseech the People for God's sake (they having no Goods of their own in danger) to come in and help him to throw out Trunks, Chests, Beds, &c. out at a Window, having procured two Carts or Waggon to carry them away. Whereupon I ran into his House with several others, broke down his Windows, threw out his Goods, and loaded the Carts; and there being some Interval of time before the return of the Carts, and seeing a Room wherein were many Books and loose Papers (which seem'd to be a Library) I went in and took down a Book, which proved to be *Ovid's Metamorphosis*; and while I was looking upon it, there came into the same Room an old Man of low stature, with a white Frock, who looked also on the Book as it was in my Hand; I took him in my mind to be some Groom come out of a Stable, and

and thought him to be presumptuously foolish, supposing such a mean-like old Man ignorant of that Language in which the Book was written, it being *Latin*; but I spoke not to him. In the mean time there brake forth a Fire amongst the Papers which were behind us, there being none in the Room but he and I. Whereupon the rest of the People coming in, cri'd out, *We had set the Room on Fire*: And rushing in upon us, put out the Fire with their Feet. Whereupon I took hold of the old Man by the Buttons under the Throat, and said, *How now, Father! it must either be you or I that must fire these Papers*. There was a small thing of a black matter, which looked like a piece of Link, burning, which questionless set fire on the Papers, but it was immediately trod out. A Tumult of People thronged in; and when I said, *How now, Father!* and took hold on him, *Parce mibi, Domini*: The People which did not understand it, cried out, He is a *French-man*, kill him; and with pulling of him, his Peruke fell off; then appeared a bald Skull, and under his Frock he had black Cloaths, I think of Bishop-Sattin; whereupon he seemed to be a grave Ecclesiastick Person. I had much ado to save him from the People, but at last brought him before the D. of T. We found in his Pockets a Bundle of Papers closed up with Wax like a Packet, which was delivered to the D. of T. I know not what was written in them, neither do I know what Country-man he was; but methoughts he looked something Jesuit-like. This I am certain of, that when I went into the Room there was no Fire in it, and it was fired when there was none but he and I in it, yet I cannot say I saw him do it, though I cannot but suspect he did it, and the rather because there were several Houses untouched betwixt this House, and where the Fire was coming on, where the Papers in the Library were thus on Fire as I have related. What became of this Fellow, after we had delivered him to his R. H. I have not heard.

John Stewart.

*Thus far concerning the Report and Informations about the Fire: Now follows a true Account of what was represented to another Committee of Parliament, touching the Insolency of Popish Priests and Jesuites, and the Increase of Popery, &c.*

### At the Committee appointed to Certifie Informations touching the Insolency of Popish Priests and Jesuites, and the Increase of Popery.

*Ordered, That these several Informations proceeded on, in Pursuance of the said Power of the Committee, be reported to the House in reference to the Insolency of the Popish Priests and Jesuites, and the Increase of Popery.*

AS to the Increase of Popery Mr. Hancock, Minister of Chilmoth in Wilts, informs, That meeting, with one Mr. Thomson, about a Month since, coming from *Mass* out of *Somerset-house* Chappel, and discoursing to him about his Religion, asked him, if there were many lately turned to it? Thomson answered, *Thousands*. And being demanded, what Encouragement there was to it? Replied, *There would be a Change suddenly*.

*Report his Carriage to the Committee.*

Mr. Thomson being summoned before the Committee, did behave himself very insolently: They have commanded me to report it. Being asked, Whether he had not a Shop in *Somerset-house* where Popish Books and Popish Knacks were sold? He said, He had; and that his Man sold such Books and Beads, and other things. And said, There was one Crucifix, no Relicks; but wished he had some good ones. He said, that he was a *Roman Catholick*, and thanks God for it. He said, he was no Priest, but wished he were in a Capacity to be one. He said, he had not taken the Oath of Allegiance and Supremacy, nor would do it. He said, he would take any Oath that any Christian Prince should require, but not the Oath of Allegiance, intimating some mixture in it. He said, he had taken the Oath of Allegiance to the King of Spain, and was a Subject to the King of Spain.

One

One Mr. *Ash* a Minister, late of *Capel* in *Surrey*, Inform'd, That being at *Causfield* in *Lancashire* this last Summer, he saw great Resort on *Sundays* to *Causfield* House, the House of a Papist; and asking some that were going thither, what the Occasion was of their Resort thither, they told him they were going to *Mass*, and that one Mr. *Rabinson* a Priest did say *Mass*.

Mr. *Ash* did likewise Inform, that he thought the number of those that went to *Mass* to that House on *Sundays*, was as great as the Protestants that went to the Parish-Church.

One Mr. *Welden* Deputy-Ordinary for *Middlesex*, did Inform, That in his accustomed attendance on the Prisoners at *Newgate*, about the time of Execution, *Romish* Priests, and particularly one Mr. *Harvey* a Jesuit, hath constantly used to resort to the Prison at those times, and doth perswade the Prisoners to become Papists; and that divers have been altered in their Religion by them, and turned to Popery.

Mr. *Wootten* Informeth, That on *October*, 16. he went to *Newgate*, and meeting with one *Howard* an Under-Keeper at the Door, desired to speak with Mr. *Hubert* the French-man, who was then condemned: *Howard* told him that he could not speak with him yet, for Mr. *Harvey* the Queen Mothers Confessor was in private with him; and said, this *Harvey* used frequently to come to the Prison after Condemnation, and that where one Prisoner died a Protestant, many died Papists. Mr. *Wootten* said, that after some stay he saw Mr. *Harvey* come out from Mr. *Hubert*, and then he was admitted to have Speech with him.

Mr. *Cawdry*, Keeper of *Newgate*, did Inform, That Mr. *Harvey* the Jesuit did frequent the Prison at *Newgate* about the times of the Execution upon the pretence of the Queens Charity, and did spend much time with the Prisoners in private, and particularly, did so before the last Execution, night after night. Mr. *Cawdry* said likewise of the nine that suffered, eight died Papists, whereof some he knew were Protestants when they came into the Prison.

It appeared upon several Informations, that Mr. *Harvey* and other Priests, did not only resort to *Newgate* at times of Execution; but likewise to the *White-Lion* in *Southwark*, and other places in the Country, and used their endeavours to pervert dying Prisoners.

*Thomas Barnet*, late a Papist, Inform'd, That when he was a Papist, and resorted to Gentlemens Houses in *Barkshire* that were Papists; there was almost in every Gentlemans House a Priest, and instanced in divers private Gentlemen in that County. Others inform the like, in *Surrey*.

Mr. *Cottman* did inform, That one Mr. *Carpenter*, late a Preacher at *Colledge-hill*, did in Discourse tell *Cottman*, That the Judgments of God upon this Kingdom by the Plague last year, and lately by the Fire in *London*, were come upon this Land and People, for their forsaking the true Roman Catholick Religion, and shaking off Obedience to the Pope, and that if they would return to the Church of *Rome*, the Pope would rebuild the City at his own Charge. *Carpenter* said likewise to *Cottman*, That if he would come and hear him Preach the next Sunday at his House in *Queen-street*, he would give twenty Reasons to prove, that the Roman Catholick was the true Religion, and his the false; and that our Bible had a thousand falsities in it, and that there was no true Scripture but at *Rome*, and their Church.

*Carpenter* at the Committee confessed, that he had formerly taken Orders from the Church of *Rome* to be a Priest, but said he had renounced that Church and taken Orders in *England*.

The next thing is the Information of their Infolency, and I shall begin with their Scorning and Despising the Bible.

One *Thomas Williams* an Officer in Sir *William Bowyer's* Regiment, Inform'd, That one *Ashley* a Papist, seeing a Woman read in a Bible, asked her why she read in that Damnable Presbyterian Bible, and said, A Play-book was as good.

*Thomas Barnet* of *Bingfield* in *Barkshire*, Inform'd, That being at one Mr. *Young's* House in *Bingfield*, at *Bartholomew-tide* last, Mr. *Young* said to the Brother of this Tho-



mas, in his hearing, That within two Years there should not be a Protestant in England. Thomas Barnet, Informed further, That being at Mr. Doncaster's House in Bingley, one Mr. Thural, Son-in-Law, to Mr. Doncaster, (and both Papists) said to this Informer, (who was then likewise a Papist,) *The People take me for a poor fellow, but I shall find a thousand or two thousand pounds to raise a party of Horse, to make Mr. Harthorns and Mr. Bullocks fat guts lie on the ground; for it is no more to kill an Heretick, than to kill a Grasshopper, and that it was happy for him that he was a Catholick; for by that means he shall be one that shall be mounted.*

Mr. Linwood Scrivenner in White-Chappel, Informed, That about the Twentieth of October last, meeting with one Mr. Binks a Papist, and discoursing with him, Binks told him, *That there was amongst the Papists as a great Design as ever was in England, and he thought it would be executed suddenly.* Being asked how many Papists there were about London? He answered, *About seven thousand, and in England an hundred thousand were Armed.*

Mr. Oaks a Physician dwelling in Shadwel, Informed, That a little after the burning of London, one Mr. Carpenter a Minister, came to his House in Tower-wharf, and spake to him to this purpose: *I will not say that I am a Papist, but this I will say, that I had rather die the death of the Papists, and that my Soul should be raised with their Resurrection, than either to be Presbyterian, Independant or Anabaptist; and I tell you, the Papists have hitherto been his Majesty's best Fortification; for when Presbyterians, Independants and Anabaptists forsok and opposed him, then they stood by him, and helped him; and he is now resolved to commit himself into their hands. And take it upon my word in a short time, the Papists will lay you as low as that house (pointing to an house that was demolished) for they are able to raise Forty thousand men, and I believe, the next work will be cutting of Throats.* This was Sworn by Mr. Oaks, before Sir John Frederick, a Member of the House.

Miriam Pilkington being present when the Words were spoken doth affirm them all, save only those, *That the King is resolved to commit himself into the Papists hands.* Those she doth not remember.

Henry Young a Distiller of Hot-waters, informed, That about, April 1661. being in the Jesuites Colledge in Antwerp, one Powel, an English Jesuite perswaded him to turn a Roman Catholick, and said, *That if he intended to save his Life and Estate he had best turn so, for within seven Years he should see all England of that Religion.* Young replied, *That the City of London would never endure it.* Powel answered, *That within five or six Years they would break the Power and Strength of London in pieces, and that they had been contriving it these twenty Years; and that if Young did live, he should see it done.* The said Young did likewise Inform, That shortly after his coming into England, one Thomson and Copervel, both Papists, did several times say to him, *That within five or six Years at the farthest, the Roman Catholick Religion should be all over in this Kingdom.*

Jasper Goodwin of Darking, in the County of Surrey, Informed, That about a Month since, one Edward Complin, a Papist, said to him, *You must all be Papists shortly; and that now he was not ashamed to own himself a Roman Catholick, and to own his Priest (naming two that were in Darking in the houses of two Papists;) and likewise said, That in twenty four hours warning, the Roman Catholicks could raise thirty thousand Men, as well armed, as any Men in Christendom.*

William Warner of Darking Informed, That the said Edward Complin did tell him, *That the Roman Catholicks in England, could in twenty four hours, raise thirty thousand Horse and Arms: And upon saying so, pulled out his Crucifix and Beads, and said, He was not ashamed of his Religion.*

John Graunger of Darking, Informed that about a Year since being in his House, reading the Bible, one Thomas Collins a Papist, said to him, *Are you still a Church-goer? Had you not better turn Roman Catholick? If you stay till you are forced none will abide you.* And said further, *That there was a Man beyond sea had prophesied, That in sixty six, if the King did not settle the Romish Religion in England, he would be banished out of the Kingdom, and all his Posterity.* And Collins further said, *That he being lately turned a Roman Catholick, he would not be a Protestant for all the World.* He wished Graunger again, in the hearing of his Wife, (which he affirmed to the Committee.) to turn his Religion; for all the said Prophecie would come to pass in Sixty six.

Robert Holloway of *Darking* aforesaid, informed, That one Stephen Griffin, a Papist, said to him, That all the blood that had been shed in the late civil War, was nothing to that which would be shed this year in England. Holloway demanded a reason for these words, in regard the Kingdom was in peace, and no likelihood of trouble; and said, Do you Papists intend to rise and cut our throats when we are asleep? Griffin answered, That's no matter, if you live, you shall see it.

Ferdinand de Massido, a Portuguese, and some Years since a Romish Priest, but turning Protestant, Informed, That one Father Taff a Jesuite, did the last year tell him at *Paru*, That if all England did not return to the Church of Rome, they should all be destroyed the next Year.

Mr. Samuel Cottman of the *Middle-Temple*, Barrister, Informed, That about two Years since, one Mr. Jewison, a Popish Priest, and called by the Name of Father Garret, did persuade him to turn Papist, and he should want neither Profit nor Preferment. Mr. Cottman objected, that he intended to practise the Law, which he could not do if he turned Papist, because he must take the Oath of Supremacy at his being called to the Bar; and if he were a Papist, he must not take it. Mr. Jewison replied, Why not take the Oath? It is an unlawful Oath, and void ipso facto. And after some pause, said further First take the Oath, and then I will convert you. He said further, The King will not own himself to be Head of the Church. And said further, You in England that set up the Dutch to destroy our Religion, shall find that they shall be the Men to PULL DOWN YOURS.

Mr. Stanley, an Officer to the Duke of Ormond in Ireland, Informed, That coming out of Ireland with one Oriel (who owned himself of the Order of the Jesuites, and commissioned from the Pope to be Lord Primate of Ireland, and Archbishop of Armagh) and falling into some Discourse with him, he told him, That there had been a Difference between him and some other of the Jesuites in Ireland, and that part of the Occasion was, that one Father Walsh, and some other of the Jesuites there did dispense with the Papists in Ireland, to take the Oath of Allegiance and Supremacy, by virtue of a standing Commission from the Pope which he had to do it, during this King's Life; and Oriel thought they ought not to do it by virtue of the standing Commission, but should take a new Commission from the Pope every Year to do it. And likewise, That he brought eight Boys out of Ireland, whom he intended to carry to Flanders, to breed up in some of the Colledges there. And at his taking Shipping to go for Flanders, he shook his Foot towards England, terming it Egypt, and said He would not return into England, till he came with 50 thousand Men at his heels.

A French Merchant being a Papist living in St. Michael's Lane, London, writes in a Letter to his Friend, That a great number of Men and Arms were ready here, if those wrote to were ready there. He being upon the Intercepting of this Letter, searched; forty Fire-locks were found in his House, ready loaden; which were carried to Fishmongers-Hall, a Month or more before the Fire, and he committed to Prison, but since released.

A Poor Woman retaining to one Belfon's House, a Papist, about *Darking* in Surrey, was solicited, that she and her husband would turn Roman Catholics; which if they did voluntarily Now, they would be accepted of; but if they staid a little longer, they would be forced whether they would or no; and then they would not be esteemed. This was deposed before Sir Adam Brown, a Member of Parliament.

A Complaint being made against a Sugar-Baker at Fox-hall, his House was searched by Lieutenant Collonel Luntly, who found there several Guns, with such Locks, as no English-man who (was at the taking of them) could discharge; together with Brass Blunderbusses and Fire-works, of a furious and burning nature: Trial being made of a small part of them, the Materials were discerned to be Sulphur, Aquaviva, and Gun-powder whatever else.

In a Letter to Sir John Frederick and Mr. Nathaniel Heron, from Horsham in Sussex, the 8th. of September, 1666. Subscribed Henry Chowne. Wherein is mentioned, that the said Henry Chowne had thoughts to come to London that week, but that they were in Distractedness there concerning the Papists, fearing they would shew themselves all that day: And that he had been to search a Papist's House within six miles of that place.

place. He, with another Justice of Peace met the Gentleman's Brother (who is a Priest) going to *London*, whom they searched, and found a Letter about him, which he had received that Morning from his Sister, twenty miles off from him; wherein is expressed, *That a great Business is in hand, not to be committed to Paper, as the times be.*

*Your Committee have thought fit to give no Opinion upon these Informations; but leave the matter of Fact to your Judgments.*

*I am commanded to tell you, That your Committee have several other things of this nature under their Inquiry.*

As a further Instance of the audacious and insolent Behaviour of these *Popish* Recusants, take the following Copy of Verses made, and then scattered abroad by some of their Party in *Westminster-Hall*, and several other places about the City, and elsewhere in the Kingdom.

Ovre la feu, ye Hugonots,  
That have so branded us with Plots;  
And henceforth no more Bonfires make,  
Till ye arrive the Stygian Lake:  
For down ye must, ye Hereticks,  
For all your hopes in sixty six.  
The hand against you is so steady,  
Your Babylon is faine already.  
And if you will avoid that bay,  
Return into your Mothers lap;  
The Devil a Mercy is for those,  
That Holy Mother-Church oppose.  
Let not your Clergy you betray,  
Great Eyes are ope, and see the way.  
Return in time if you will save  
Your Souls, your Lives, or ought you have.  
And if you live till sixty seven,  
Confess you had fair Warning given.  
Then see in time, or ay be blind;  
Short time will shew you what's behind.

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Dated the 5th Day of November, in the Year 1666. and the First Year of the Restoration of the Church of Rome in England.

Not long after the Burning of *London*, Mr. *Brook Bridges*, a young gentleman of the *Temple*, as he was going to attend Divine Service in the *Temple-Church*, in a Pew there, found this following Paper; which immediately, either by himself, or a Relation of his, was delivered to Sir *William Morrice*, one of his Majesties Principal Secretaries of State: The Contents of the Paper are as follows

### A Warning to Protestants.

I Who have been a *Papist* from my Infancy, till of late; and in Zeal for their horrid Principles, had too great a share in the Firing of the City; and did intend to do further Mischief to the *Protestants*, of which I am now, and ever shall be a Member, do upon Abhorrence of that Villany and Religion that hath moved me to it, declare to all *Protestants* the Approach of their sudden Ruine, that it may be prevented, if it be not too late.

When, I together with other *Papists*, both *French*, *Irish*, and *English*, fired the City; others were employed to Massacre the *Protestants*, we thinking thereby to destroy the Heads of your Religion; but the Massacre was disappointed by the Fear of him who was the chief Agent in this Villany. And the Fire not having done all its Work, they



they have often endeavoured to fire the remaining part. They intend likewise to land the *French* upon you; to whose Assistance they all intend to come, and for that purpose are stored with Arms; and have so far deceived the King, that they have the Command of most part of the Army, and the Sea-Ports. The *French* intend to land at *Dover*, that Garrison being most *Papists*: And the *Papists* in *England*, have express Command from *Rome*, to hasten their Business before the next Parliament, and to dispatch. Therefore as you love your Lives and Fortunes, prevent your Ruine, by disarming all the *Papists* in *England*, especially *C. L.*——from the *Tower*, and the *L. D.*——and all his Adherents and Souldiers, from *Dover*, and by disarming all *Papists*. I have such an Abhorrence, that I would willingly undergo any Punishment for it; and declare my self openly, were I not assured that I could do you more good in concealing my Name for the present. Delay not from following these Directions, as you love your Lives; and be not deceived by any Pretences whatsoever.

*An Impartial Account of some Informations taken before several Justices of the Peace, concerning the several Fires happening of late in and near the City of London.*

**A**Bout the latter end of *June*, and in *July*, one *Joseph Harrison* came several times to the *Greyhound-Inn* in *Holborn*, pretending to enquire for Letters for himself; and about the beginning of *July* comes into the said Inn, and meeting *Mr. Atkins*, the Master of the said Inn, He the said *Harrison* asked him for a Can of Beer; whereupon *Mr. Atkins* ordered his Man to draw two Cans, drinking one himself, and giving the other to *Harrison*: After which, the said *Harrison* took *Mr. Atkins* by the Hand, and lead him out of his own Yard into *Holborn*, and by the Rails in the Street, the said *Harrison* advised the said *Atkins* to put off his House and dispose of his Goods as soon as he could; for within Three Weeks or a Month, there would be great and dreadful Fires in and about *London*. *Mr. Atkins* asked him, How he knew so? The said *Harrison* replied, *If you will not believe me, you may chuse*: and so left him.

One *Monday*, *July* the 25<sup>th</sup>. *Mr. Atkins* his Wife hearing of the Fire at the *George-Inn* in *Southwark*, went to her Mother at the *Talbot-Inn* in *Southwark*; the back-part of which said Inn is adjoining to the *George-Inn*, and was likewise on Fire; and being there, she espied the aforesaid *Joseph Harrison* in the Yard, and remembering the aforesaid Advice to her Husband, desired some Persons that were next her, to lay hold on him; which being done, he was conveyed to a Foot-Company that stood in Arms near the said Inn, judging that the nearest place to secure him. After which, *Sir John Smith*, one of the Sheriffs of *London*, was acquainted with the whole matter. Upon which he, with the *L. C.* went to the said Company, and in the hearing of several, gave Charge to the Captain of the said Company to keep him safe until they had time to examine him. After the Fire was put out, some went to enquire after the Prisoner, and the Captain told them, *The L. C. had discharged him*.

The next Day being *Tuesday*, a Person was informed that the said *Harrison* taught School in *Thread-Needle Street*, and that he boasted of his Deliverance, and said, That the *L. C.* was pleased to honour him so far as to take him in his Barge with him to *White-hall*, and bad him but be patient a while, and he should have Satisfaction from the Persons that had troubled him. But hearing where to find him, Endeavours were used to retake him, and accordingly was accomplished on *Wednesday*, *July*, 27. and had before the Worshipful *Sir John Frederick*, who sent him to *Bishopsgate*, and ordered him to be brought before the Lord Mayor and Court of Aldermen the next day to be examined. Before whom were these following things proved against him upon Oath.

1. **T**hat he hath had frequent Correspondency with Jesuits and Papists.
2. That he hath spoken to several of his Acquaintance to go with him to *Papist Meetings*, declaring that he knew of many.
3. That he hath been persuaded to turn Mendicant Fryer, and hath been offered a Stipend to turn to the *Romish Religion*.
4. That he knew there would be divers great and dreadful Fires in and about *London* within a Month.

5. That

5. That he advised Friends to rid their Hands of all their Concerns in and about London, for there would be a great Consumption of houses there.

6. That when he was in the Custody of the Foot-Company aforesaid, Mr. Atkins aforesaid, affirming to swear the former Article; he threatned him, if he did, it should cost him the best House he had.

7. That he said there were forty thousand French Papists lately come over, to his Knowledge; besides many that were amongst us already.

8. The Lord Mayor asking him, Who perswaded him to turn Catholick? He answered, The King's Under-Barber, Phillips.

After which, he told the Court, That when he was apprehended for these things, my L. C. discharged him, and took him with him in his Barge to *White-hall*. He further told the Court, That he was some time an Assistant to Mr. *Lovejoy*, School-master at *Canterbury*, and that he had Letters Testimonial of his good Behaviour from the Dean of *Canterbury*: Upon which my Lord Mayor remembering that he had seen him with Mr. *Lovejoy*, and said, that Mr. *Lovejoy* told him, That he was an idle Rogue. And so he was committed to *Newgate*.

On Saturday the 30th. of July, it was further depofed upon Oath by *Thomas Roe*, before Sir *John Frederick*, as follows.

The Information of *Thomas Roe* of *Bernard-Inn* Gent. taken the 3th. of July, 1670. by Sir *John Frederick*, Alderman, one of His Majesties Justices of Peace in the City of London, upon Oath, as followeth.

**T**homas Roe faith, that he hath for at least twelve or thirteen Years last past been acquainted with one *Joseph Harrison*, who was examined lately at the *Guild-hall*, London, before the Honourable the Lord Mayor and Court of Aldermen, upon Suspicion of his being a Conspirator in the firing the City and Suburbs in several parts thereof.

*Thomas Roe*, and *Joseph Harrison*, having been School-fellows at *Eaten Colledge*, and being thereby acquainted; *Joseph Harrison* hath several times lately been with him, and advised him to with-draw his Concerns, and remove above twenty miles out of the City; for that the City, and twenty miles round, would be suddenly destroyed and laid wast (or to that purpose.) Whereupon *Thomas Roe* asked him, Whether he were privy to any such Conspiracy, or concern'd in its Agitation? pressing him with divers Arguments to discover what he was acquainted with of that kind. *Harrison* replied, That he had no personal and positive Knowledge thereof. *Thomas Roe* demanded upon what ground then he did thus advise him? *Joseph Harrison* replied, That he was sometimes conversant among some Papists, and perceived a Plot or Design was carrying on by them against the City of London, and the Protestant Religion; which Plot or Design, said he the Papists call, *The Game of Trap*, or, do you understand *Trap ad Crucem*, which is the Watch-word amongst them. Further, *Joshua Harrison* said, that he was informed of those things by some German Protestants, and that he had Offers of Fifty Pounds per annum, made him by some Jesuits and Papists to turn to their Religion; but he had refused it, and would not embrace the *Romish* Religion.

*Thomas Roe* further faith, That about five Weeks since, he walked through *New Cheap-side*, and from thence into *Mark-Lane*, with *Joseph Harrison*, in company with Mr. *Mosely* (a Gentleman belonging to *Bernards-Inn* likewise) and one of his Acquaintance, together with another Man, a Stranger to *Thomas Roe*. Upon their first associating, *Harrison* said unto him, That he would not discover himself to be an Englishman, but pretend himself to be a German or Italian (whether of the two he doth not well remember) and that he might not detect himself, spake in the Company as Occasion offered in Latin. But leaving the place where they tarried in *Mark-lane*, going towards *Bishopsgate-street*, Mr. *Harrison* told Mr. *Roe* secretly, That he believed that Mr. *Mosely* understood the *Game of Trap* by some Signs he had observed from him, and that he would try him. Then going altogether into a house, about the end of *Threadneedle-street*, Mr. *Harrison* (having by this time discovered himself to be an Englishman, said *Trap*, and made a Cross over his Face with his Finger, directing himself

to Mr. *Mosely*: Whereupon Mr. *Mosely* did also say *Trap*, crossing his Forehead and Face two or three times, and with a quick motion drew his Finger over his own Throat. Upon which Mr. *Roe* asked Mr. *Mosely* what was the meaning of *Trap*? But he refused to tell. Mr. *Roe* urging him again, He replied, He would not; saying, You are not of my Religion. Then Mr. *Mosely* asked Mr. *Harrison* what his Name was? (for he knew him not by Name) he answered, *Harrison*. Mr. *Mosely* replied, I never saw your Name. Mr. *Harrison* made answer, It is *Don Olanfo del Harrisonio*; if so, saith Mr. *Mosely*, I have seen your Name.

After this, Mr. *Mosely* and the other stranger being parted, and Mr. *Roe* and Mr. *Harrison* being alone: said *Harrison*, I told you Mr. *Mosely* did understand *Trap*; you may see there is a Lilt of the *Trap-Gamesters*, Now whether Mr. *Mosely's* Imitation of Mr. *Harrison* was feigned or real, Mr. *Roe* could not distinguish: But as they two were passing through *Cheape-side* homewards, Mr. *Harrison* looking upon the New Buildings, said, To what purpose do they build this poor City, it will be again destroyed; at the same time he pointed at two several Persons, saying, That is a *Trap-Gamester*, and there goes another *Trap-Gamester*.

Mr. *Roe* further informs, That since the last Term, Mr. *Harrison* told him, he would write all the Rogueries of the *Trap-Game* and *Gamesters* in a Play; and that he would undertake to shew him Twenty six Papiſts Meetings in and about the City and Suburbs of *London*; but said he some of them are very private, and if you be discovered not to be a Papiſt, (you will peradventure) be poisoned or stabb'd.

Mr. *Roe* doth further say, That when the said *Harrison* advised him to remove with all his Concerns about twenty Miles from *London*, that the said *Roe* asked him if *Windſor* were not far enough, it being both their native place, and about the distance? The said *Harrison* answered, Not; reflecting upon the Castle. And further, *Harrison* told Mr. *Roe* That the Jesuits could, by a Composition of Ingredients, make such a Matter, the fume of which would corrupt any Man's Intellects; and that he the said *Harrison* could do it.

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*A Faithful Account of the Apprehending of a Scotchman, some time since by William Colburne, at the Cross-keys in Fleet-street, as followeth.*

A Scotch-man pretending great Respect he had for William Colburne aforeſaid, came to him, and advised him, That by all means he should remove his Goods out of *London*, and dispose of his House. William Colburne asked him, For what reason? The Scotch-man replied, Because that he, with many others, were employed to set the remainder of *London* on Fire; and that they would set it on Fire in several places at one time: And *Chancery-lane-end* (which is near the aforeſaid Colburne's house) they intended to set first on fire. Upon which, William Colburne apprehended him; and being brought to his Trial, he was sentenced to stand in the Pillory; and did accordingly, three times; once at the End of *Chancery-lane*, and twice in, or about the *Old Exchange*.

Much more might be said, but that our aim is, to be as brief as is consistent with the truth of the Matter of Fact in our Narrative. Therefore we refer any that desire further Satisfaction, in every particular, to William Colburne aforeſaid, who will fully inform them.

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*An Account of the Firing of Mr. Delanoy's House, near Pepper-Alley, in South-work, January 1632. by John Satterthwait, a Papiſt, as appears by the Oath of Margaret Clarke, then Servant to Mr. Delanoy, who was in by the said Satterthwait, to assist him in the Burning of her Masters House, and suffered Death for the same.*

I Margaret Clark, being shortly to suffer Death for that which I have deserved, and am much humbled for, and desire to lie low before God, under the sense of my own Guilt, do give the World an Account of the truth of my Case; for I would not be guilty



guilty of a Lye, now I am to appear before my Judge within a few Minutes. Therefore I do say, and shall declare the truth of the Matter, as I shall answer it before my Lord, and Judge.

Upon the 26<sup>th</sup> of *January* 1632. *John Satterthwait* came to me, as I was going out of my Master's Gate, and did desire me to tell him whether my Master and Mistress were at home? And I answered him, *No*. And he to'd me, That he hoped he should have an Opportunity to speak with me, for he had something to say. And I answered him, If he had any thing to say, I should be so civil to give him the hearing when I had time (for then I was in haste.) Then he came, the next Day, with the same Request; and I returned the Answer. Then the third time, being *Wednesday*, he came again, and used great Importunity; and expressed some Kindnesses, as if he had been a Sutor; and prevailed with me to go into the *Burrough* with him to an Ale-house, where were two Men more of his Company: And after some little Discourse, he propounded to me this wicked and horrid Design, which I was to have been engaged in with them; that is, to let them into my Master's house, to set it on fire: And for a Reward, they promised me two thousand Pounds; which Sum I was to receive at the *Fleet-Tavern* in *Holborn*, enquiring for a Room in the said *Tavern*, called the *Figure Nine*. Then coming out of the Ale-house, they would fain have had me away with them; saying, *Come let us take Coach, and go into Fleet-street*; for, said they, *there we have a Priest of ours, who lodges at a Grocer's, that shall confess you, and give you the Sacrament*. I told him, I could not possibly go then.

So this *John Satterthwait* went homewards with me, almost to my Master's house; and as we went along, he charged me that I should not divulge it to any Person in the World living; for if I did, I should certainly die for it (and that quickly) in this World, and be damned in the other.

Then he came on the next Day, and gave me the same Charge to keep it secret.

And then, on *Saturday*, he came and enquired of me, the best time that he might come to do this most horrid and devilish Action; saying, *Would not Four or Five of the Clock be a good time*? And I said, *Yes*.

Accordingly he came, and conveyed himself into the Dye-house, or thereabouts, while Nine or ten of the Clock that Evening; about which time the Fire was discovered.

Whereupon, with the Fear and Dread he had put upon me, I did deny it to the Company that came in to quench it; but after that, he was there, whom I saw amongst the rest of the Company: But I had much Horrour upon my Conscience, and after some short time, I confess'd the whole Crime, for which I now die. And my Examination before Justice *Reading*, and Justice *Freeman* was all true.

And this I affirm, and do desire all Protestants to believe, that *John Satterthwait* kindled those three Fires in my Master's House: First, in the Dye-house, by the Pump: Secondly, in the Buttery: And Thirdly in the Garret. Which last Fire he kindled, whilst the People were putting out the other.

See the large Account of this, called, *A Warning to Servants, and a Caution to Protestants*, Printed in the Year. 1680.

*An Account of the Firing Mr. Robert Bird's House, in Fetter-Lane, April the 10th. 1679. by the Perswasion of Nicholas Stubbs, a Papist.*

**E**lizabeth Oxley, Servant to Mr. Robert Bird, upon her Examination saith, That about *Michaelmas* last, she was acquainted with *Nicholas Stubbs*, who had several times used many Perswasions to turn her Papist; and after her shewing a liking to it, and that he supposed she embraced that Perswasion, in his Discourse to her at several times, he told her, that before the 28<sup>th</sup> of *June* next, she should see all the Protestants destroyed that were in *England*; that the Pope should be King over *England*; that all that would turn to the Popish Religion should live far better than now they did; that all the Land were Hereticks, and it were a meritorious Act to destroy them; and that all such as were Papists should have Marks upon their Hats whereby to distinguish them from Protestants, that they might not be destroyed amongst them: Adding, that the Nation do believe that all things will be over before the 23<sup>d</sup>. Day of *June*, but they would be deceived, for all should be destroyed at or before that time. That the D. of *T.* was the bravest Prince living, and that he was gone out of the Kingdom lest the Hereticks should cut off his Head, and he would not return till they were

were destroyed; that the Lords in the *Tower* would not one of them suffer, for they would come off well enough, being to be tried by the Lords; and that the Scaffolds were set up for fashion sake. That she telling the said *Stubbs* that she was hired to live with one *Mr. Bird* about the middle of *Fetter-Lane*, he used Perswasions to her at several times to set Fire on her Masters house; telling her, if she would do it, he would give her *5 l.* and gave her half a Crown, and said, he would have other Houses in *Holborn*, Fired at the same time by others: That she being with the said *Stubbs* on Sunday before the said Fire, promised to Fire her Masters House on Thursday or Friday night following, and accordingly on Thursday night she took a Candle and set Fire to her Masters Papers in his Study, which were in a kind of a Press; and they being on a Light Fire, she shut the Doors and went up Stairs into her own Chamber in the top of the House, and packed up her own things, and undressed her self, lest her Master should suspect her, and there stayed till a great knocking was at the Door, and the Watch-men crying out Fire; whereupon she run down Stairs and cried Fire, and her Master gave her the Keys to open the Door; which done, all Hands were employed to quench the Fire. And she saith, she did not set Fire on her Master's house out of any Malice to him, nor with intent to rob him, but merely to carry on the Design which *Stubbs* had proposed to her, and out of hopes of his Reward.

*Nicholas Stubbs* upon his Examination, owns, and sets forth to have used Discourses to the said *Elizabeth* as she declareth in her Examinations; and saith, he did perswade her to fire her Masters house, and was to give her five Guineas for doing it, besides half a Crown in Hand: And saith, that one Father *Gyfford* a Priest and his Confessor had put him upon this Business, and told him it was no sin to Fire all the houses of Hereticks and Hugonots.

That he acquainted *Flower* alias *Darby*, and one *Roger* another Irish man that Lodged at the Coach and Horses in the same Street. That the said Father *Gyfford* promised him a 100 *l.* for the same, and told him he was to have the Money from the Church. That they used to meet the said *Gyfford* and other two Persons in *St. James Fields* in the dark of the Evening, and to discourse of these Matters; and that the several Informations that he had given the said *Elizabeth Oxley*, he had from the said Father *Gyfford*; and saith *Flower* and *Roger* told the said *Stubbs*, they would carry on the said Fire, and that they had Fire-Balls for that purpose, and that they would fire other houses in *Holborn* at the same time: That he was at the Fire in the Temple, but was not engaged to do any thing in it. And said, that *Gyfford* told him that there were English, French and Irish Roman Catholicks enough in London to make a very good Army; and that the King of France was coming with 60000 Men, under pretence to shew the Dauphin his Dominions; but it was to lay his Men at *Deap, Bulloign, Callis* and *Dunkirk*, to be in an hours Warning to be Landed in England, and he doubted not but it would be by the middle of June, and by that time all the Catholicks here will be in readines; all were to rise in order to bring him in. That the Papists here were to be distinguished by Marks in their Hatts; that the said Father *Gyfford* doubted not but he should be an Abbot or a Bishop, when the work was over, for the good service he hath done. That at their Meeting Father *Gyfford* used to tell them, it was no more sin to kill a Heretick then a Dog, and that they did God good Service, in doing what Mischiefs they could by firing their houses. That it was well Sir *Edmondbury Godfrey* was Murdered, for he was their Devilish Enemy; That *Coleman* was a Saint in Heaven for what he had done. And saith, he is fearful he shall be Murdered for this Confession, Father *Gyfford* having sworn him to Secresie, and told him he should be Damned if he made any Discovery, and should be sure to be killed; and that he should take the Oaths, because he was a House-keeper; and that it was no sin. And saith, That *Gyfford* and *Roger* told him, when their Forces meet, about the middle of June, then have at the——

VOTES and ADDRESSES  
Of the Honourable  
House of Commons  
ASSEMBLED IN  
PARLIAMENT,  
Made this present Year 1673,  
Concerning *Popery* and other *Grievances*.

March. 29. 1673.

*The Parliaments Address to his Majesty for the Removal of Grievances in England and Ireland.*

**W**E your Majesties most Loyal Subjects the Commons in this present Parliament assembled, conceiving our selves bound in necessary Duty to your Majesty, and in Discharge of the Trust reposed in us truly to inform your Majesty of the Estate of your Kingdom. And though we are abundantly satisfied that it hath been your Royal Will and Pleasure that your Subjects should be governed according to the Laws and Customs of this Realm, yet finding that, contrary to your Majesties gracious Intention, some Grievances and Abuses are crept in. We grave Leave humbly to represent them to your Majesties Knowledge and Desire.

1. That the Imposition of 12 *d. per Chaldron* upon Coals for the providing of Convoys, by Vertue of an Order from Council, dated the 15th. of *May*, 1672, may be recalled, and all Bonds taken by Virtue thereof cancelled.

2. That your Majesties Proclamation of the 24th of *December*, 1672, for preventing of Disorders which may be committed by Soldiers, and whereby the Soldiers now in your Majesties Service are in a manner exempted from the ordinary Course of Justice, may likewise be recalled.

3. And whereas great Complaints have been made out of severall parts of this Kingdom of divers Abuses committed in Quartering of Soldiers, That your Majesty would be pleased to give Order to redress those Abuses; and in particular that no Soldiers be hereafter Quartered in any private Houses; and that due Satisfaction may be given to the Inn-keepers or Victuallers where they lye before they remove.

4. And since the continuance of Soldiers in this Nation, will necessarily produce many Inconveniences to your Majesties Subjects, We do humbly present it as our Petition and Advice, That when this present War is ended, all your Souldiers which have been raised since the last Session of Parliament, may be Disbanded.

5. That your Majesty would be likewise pleased to consider of the Irregularities and Abuses in pressing Soldiers, and to give Order for the Prevention thereof for the future.

6. And although it hath been the Course of former Parliaments to desire Redress in their Grievances before they proceeded to give a Supply; yet we have so full Assurance of your Majesties Tendernefs and Compassion towards your People, that we humbly prostrate our selves at your Majesties feet with these our Petitions, desiring your Majesty to take them into your Princely Consideration, and to give such Orders for the Relief of your Subjects, and the Removing these Pressures, as shall seem best to your Royal Wisdom.



*Address touching Ireland.*

WE your Majesties most Loyal Subjects the Commons in this present Parliament assembled, taking into Consideration the great Calamities which have formerly befallen your Majesties Subjects of the Kingdom of *Ireland*, from the Popish Recusants there, who for the most part are profest Enemies to the Protestant Religion and the *English* Interest; and how they make use of your Majesties gracious Disposition and Clemency, are at this time grown more insolent and presumptuous than formerly; to the apparent Danger of that Kingdom, and your Majesties Protestant Subjects there, the Consequence whereof may likewise prove very fatal to this your Majesties Kingdom of *England*, if not timely prevented. And having seriously weighed what Remedies may be most properly applied to those growing Distempers, do in all Humility present your Majesty with these our Petitions.

1. That for the Establishment and Quieting the Possessions of your Majesties Subjects in that Kingdom, your Majesty would be pleased to maintain the Act of Settlement, and Explanatory Act thereupon, and to recall the Commission of Enquiry into *Irish* Affairs, bearing Date the 17th. of *January* last, as containing many new and extraordinary Powers not only to the Prejudice of particular Persons, whose Estates and Titles are thereby made liable to be questioned; but in a manner to the Overthrow of the Acts of Settlement; And if pursued, may be the Occasion of great Charge and Attendance to many of your Subjects in *Ireland*, and shake the Peace and Security of the whole.

2. That your Majesty would give Order that no Papist be either continued or hereafter admitted to be Judges, Justices of the Peace, Sheriffs, Coroners or Mayors, Sovereigns or Portreeves in that Kingdom.

3. That the Titular Popish Archbishops, Bishops, Vicars-General, Abbots, and all other exercising Ecclesiastical Jurisdiction by the Popes Authority, and in particular *Peter Talbot* pretended Archbishop of *Dublin*, for his notorious Disloyalty to your Majesty, and Disobedience and Contempt of your Laws, may be commanded by Proclamation forthwith to depart out of *Ireland*, and all other your Majesties Dominions, or otherwise to be prosecuted according to Law. And that all Convents, Seminaries, and Publick Popish Scholes may be dissolved and suppressed, and the Secular Priests commanded to depart under the Penalty.

4. That no *Irish* Papist be admitted to inhabit in any part of that Kingdom, unless duly licensed according to the aforesaid Acts of Settlement; and that your Majesty would be pleased to recall your Letters of the 26th of *February*, 1671. And the Proclamation thereupon, whereby general Licence is given to such Papists as inhabit in Corporations there.

5. That your Majesties Letters of the 28th of *September*, 1672. and the Order of Council thereupon, whereby your Subjects are required not to prosecute any Actions against the *Irish* for any Wrongs or Injuries committed during the late Rebellion, may likewise be recalled.

6. That Colonel *Talbot* (who hath notoriously assumed to himself the Title of *Agent of the Roman Catholics in Ireland*) be immediately dismissed out of all Command Military and Civil, and forbidden Access to your Majesties Court.

7. That your Majesty would be pleased from time to time out of your Princely Wisdom to give such further Order and Directions to the Lord Lieutenant, or other Governour of *Ireland* for the time being, as may best conduce to the Encouragement of the *English* Planters and Protestants Interest there, and the Suppression of the Insolencies and Disorders of the *Irish* Papists there.

These our humble Desires we present to your Majesty, as the best means to preserve the Peace and Safety of that your Kingdom, which hath been so much of late in Danger by the Practices of the said *Irish* Papists, particularly *Richard* and *Peter Talbot*; and we doubt not but your Majesty will find the happy Effects thereof, to the great Satisfaction and Security of your Majesties Person and Government, which of all earthly things is most dear to your Majesties most Loyal Subjects.

Ordered, *October* 20. 1673.

THAT an Address be made to his Majesty by such Members of this House as are of his Majesties Privy-Council to acquaint his Majesty, that it is the humble desire of this House, that the intended Marriage of his Royal Highness with the Dutches of *Modena* be not consummated; and that he may not be Married to any Person but of the Protestant Religion.

And the same Day the Parliament was Prorogued till Monday next.

*The Address of the Parliament to his Majesty.*

WE your Majesties most Humble and Loyal Subjects the Commons in this present Parliament assembled, being full of Assurance of your Majesties gracious Intentions to provide for the Establishment of Religion, and the Preservation of your People in Peace and Security; and foreseeing the dangerous Consequences which may follow the Marriage of his Royal Highness the Duke of York with the Princess of Modena, or any other of the *Popish* Religion, we hold our selves bound in Conscience and Duty to represent the same to your Sacred Majesty, not doubting but these constant Testimonies which we have given your Majesty of our true and loyal Affections to your Sacred Person will easily gain a Belief, that these our humble Desires proceed from Hearts still full of the same Affections toward your sacred Majesty, and with intentions to establish your Royal Government upon those true Supports of the *Protestant* Religion, and the Hearts of your People, with all Humility desiring your Majesty to take the same into your Princely Consideration, and to relieve your Subjects from those Fears and Apprehensions which at present they lie under from the Progress hath been made in that Treaty.

We do therefore humbly intreat your Majesty to consider, that if this Match do proceed, it will be a means to disquiet the Minds of your *Protestant* Subjects at home, and to fill them with endless Jealousies and Discontents; and will bring your Majesty into such Alliances abroad, as will prove highly prejudicial, if not destructive to the Interest of the very *Protestant* Religion it self.

And we find by sad Experience that such Marriages have encreased and encouraged Popery in this Kingdom, and given opportunity to Priests and Jesuits to propagate their Opinions, and seduce great Numbers of your Majesties Subjects.

And we do already observe how much the Party is animated with the hopes of this Match, which were lately discouraged by your gracious Concessions in the last Meeting in this Parliament.

That we greatly fear this may be an Occasion to lessen the Affections of the People to his Royal Highness, who is so nearly related to the Crown; and whose Honour and Esteem we desire may always be intirely preserved.

That for another Age more at the least this Kingdom will be under the continual Apprehensions of the Growth of Popery, and the Danger of the *Protestant* Religion.

Lastly, We consider that this Princess having so near a Relation and Kindred to many Eminent Persons of the Court of *Rome*, may give them great Opportunities to promote their Designs, and carry on their Practices among us, and by the same means penetrate into your Majesties most Secret Counsels, and more easily discover the State of the whole Kingdom.

And finding that by the Opinions of very Learned Men, it is generally admitted that such Treaties and Contracts by *Proxies* are dissolvable, of which there are several Instances to be produced, We do in all humbleness beseech your Majesty to put a stop to the Consummation of this intended Marriage.

And this we do the more importunately desire, because we have not yet the Happiness to see any Issue of your Majesty's that may succeed in the Government of these Kingdoms, which Blessings we most heartily pray Almighty God in his due time to bestow upon your Majesty and these Kingdoms, to the unspeakable Joy and Comfort of all your Majesty's Subjects, who desire nothing more than to continue under the Reigns of your Majesty, and your Royal Posterity for ever.

October, 30. 1673.

Mr. Secretary *Coventry* brought from his Majesty an Answer to the Address presented to him touching the Duke of York as followeth.

C. R.

HIS Majesty having received an Address from the House of Commons, presenting their humble Desire that the intended Marriage betwixt his Royal Highness and the Princess of Modena may not be Consummated, Commanded this Answer to be returned, That he perceived the House of Commons have wanted a full Information of this Matter, the Marriage not being barely intended, but Completed according to the Forms used amongst Princes, and by His Royal Consent and Authority; Nor could He in the least suppose it disagreeable to His House of Commons, His Royal Highness having been in the view of the World for several Months engaged in a Treaty of Marriage with another Catholick Princess, and yet a Parliament held during the time, and not the least Exception taken at it.

As

An Address ordered to be presented to His Majesty concerning a Marriage between his Royal Highness and the Princess of *Modena*, and a Committee appointed for that purpose.

A Committee appointed for preparing a Bill for a general Test, to distinguish between Protestants and Papists; and those that shall refuse to take it, be incapable to enjoy any Office Military or Civil; or to sit in either Houses of Parliament, or to come within five miles of the Court.

The House adjourned till Monday.

October, 31. 1673.

Resolved, That the House considering the present Condition of the Nation, will not take in to any further Debate the Consideration of any Aid or Supplies, or Charge upon the Subjects, before the time of Payment of the eighteen Months Assessment, granted by a late Act of Parliament, Intituled, An Act for raising the Sum of Twelve hundred thirty eight thousand and seven hundred and fifty Pounds, for the Supply of his Majesties present Occasions, be expended; Except it shall appear that the Obstinacy of the Dutch shall render it necessary; Nor before this Kingdom be effectually Secured from Popery and Popish Counsels, and the other present Grievances be redressed. And,

An Address ordered to be presented to His Majesty for a Fast to be observed throughout the Nation, and a Committee appointed for that purpose.

A further Address to be presented to his Majesty concerning the Marriage of the Duke of York with the Dutchess of *Modena*, And the Privy Counsellors of this House to attend His Majesty to know His Pleasure, when he will be attended therewith.

And they Adjourned till to Morrow in the Afternoon.

November, 3. 1673.

A Report from the Committee appointed for that purpose was made for an Address to be presented to His Majesty, to appoint a General Fast to be observed throughout the Nation; and the Concurrence of the Lords to be desired thereto.

The standing-Army voted a Grievance.

A Committee appointed to prepare an Address to be presented to his Majesty, to shew how this Standing-Army is a Grievance; and then adjourned till Three of the Clock in the Afternoon. Mr. Speaker and the House went to attend His Majesty at *Whitehall* with the Address; who returning, Mr. Speaker reports, That it was a Matter he would take into his present Consideration, and would return speedily an Answer.

And then the House Adjourned, till to Morrow Morning eight of the Clock.

November, 4. 1673.

The House of Commons having Ordered an Address to be made to his Majesty, shewing that the Standing-Army was a Grievance, and a Burden to the Nation; and did intend that Day to wait on his Majesty to present it: But his Majesty was in his Robes in the House of Peers, and the Lords halting to him, the Black-Rod being sent to the Commons-House to Command the Speaker and the Commons to come to his Majesty to the House of Peers; but it so happened that the Speaker and the Black-Rod met both at the Commons-House door; the Speaker being within the House, the Door was commanded to be shut, and they cried to the Chair, others said the Black-Rod was at the Door to command them to wait on the King to the House of Peers: but the Speaker was hurried to the Chair. Then was moved,

1. That our Alliance with France was a Grievance.
2. That the evil Counsel about the King was a Grievance to this Nation.
3. That the Lord Lauderdale was a Person that was a Grievance to this Nation, and not fit to be intrusted or employed in any Office or Place of Trust, but to be removed.

Whereupon they cried, To the Question. But the Black-Rod knocking very earnestly at the Door, the Speaker rose out of the Chair, and went away in a Confusion.



A  
**L E T T E R**  
 FROM A  
**PARLIAMENT-MAN** to his **FRIEND**,  
 Concerning the Proceedings of the  
**House of Commons**,  
 This last Session, begun the 13 of *October*, 1675.

S I R,

I See you are greatly Scandalized at our slow and confused *Proceedings*. I confess you have cause enough, but were you but within these Walls for one half Day, and saw the strange Make and Complexion that this House is of, you would wonder as much that ever you wondred at it : For we are such a pied Parliament, that none can say of what Colour we are ; for we consist of old Cavaliers, old Round-heads, Indigent Courtiers, and true Country Gentlemen ; the two latter are most numerous, and would in probability bring things to some Issue, were they not clogged with the humorous uncertainties of the former. For the old Cavalier grown Aged, and almost past his Vice, is damnable Godly, and makes his doating Piety more a Plague to the World, then his youthful Debauchery was : For he is so much a Byggot to the Bishops, that he forces his Loyalty to strike Sail to his Religion, and could be content to pare the Nails a little of the Civil Government, so you would but let him sharpen the Ecclesiastical Talions ; which behaviour of his so exasperates the Round-head, that he on the other hand cares not what Increases the Interest of the Crown receives, so he can but diminish that of the Miter : so that the Round-head had rather enslave the Man, than the Conscience ; The Cavalier rather the Conscience than the Man, there being a sufficient stock of Animosity as proper matter to work upon.

Upon these therefore the Courtier mutually plays : For if any Anticourt motion be made, he gains the Rounthead either to oppose or absent, by telling them, *If they will joyn him now, he will joyn with them for Liberty of Conscience*. And when any Affair is started on the behalf of the Country he assures the Cavaliers, *If they will then stand by him, he will then joyn with them in promoting a Bill against the Fanaticks*. Thus play they on both hands, that no Motion of a publick nature is made, but they win upon the one or other, of them ; and by this Art gain a Majority against the Country Gentlemen, which otherwise they would never have : Wherefore it were happy that we had neither Roundhead nor Cavalier in the House ; for they are each of them so Prejudicate one against the other, that their sitting here signifies nothing but their Fostering their old Venome, and lying at Catch to snap every Advantage to bear down each other, though it be in the Destruction of their Country.

For if the Round-heads bring in a good Bill, the old Cavalier opposes it, for no other reason, but because they brought it. So that as the poor *English* Silk-weavers, are feign to hire a *French-man* to sell their Ribbons : So are the Round-heads a Cavalier, to move for those Bills they desire should pass ; which so sowers the Round-head, that he revenges that Carriage upon any Bill the Cavalier offers, and the Rage and the Passion of the one and other, are so powerful, that it blinds them both, that neither per-

ceives the Advantage they give the Courtier, to abuse both them and their Country too : so that if either of them do any Good, it is only out of pure Envy against the other. Thus you see how we are yoked, and seeing this, you may cease your Admiration that we offer at all, and do just nothing.

Nor is this Division alone of the House all we have to lament (for Death, that common Cure, does now every Day lessen this evil) but that which is more our Misery, is, that those Gentlemen who are truly for the Good of their Country, will not be persuaded to stand upon the sure Basis of Rational Principles (like Workmen too presumptive of their Judgments that will not build by Rule) but rather affect the most loose Standing on the Sandy Foundation of Heat and Humour : By reason of which they often do as much Harm as Good, and yet perceive it not ; this is the fore evil we are under. For I would not doubt the Countries carrying it from the Court in every Vote, let the Courtiers use all the Art they could, would the Country Gentlemen but give themselves the trouble to enform their understandings a little, and not suffer themselves to be hurried by a heedless Inadvertency into Vulgar Notions. Which, if well examined, are directly contrary to their honest Intentions ; for lack of which they totally mistake their Interests, fall foul on their Friends, support their Enemies, and carry on the Designs of the Court whilst they aim at the Service of their Country. For if they would take the pains but to think what is the greatest Enemy in the World, *English Law and Liberty* always had, still hath, and ever must have ; It may be the result of such a Thought would say, it was Encroaching Prerogative. Well, if then they would but beg from themselves but so much Seriousness, as to think this second Thought, to check this Prerogative, which is so dangerous an Enemy to our Laws and Liberties, peradventure that Thought would answer, *In suppressing all they could its Creatures and Dependants, and supporting such, whose Interest it is to keep Prerogative within its just bounds.* Now could they but be prevail'd with but to think a third Thought, it would land them at the full and satisfactory Solution of the Question, and will hold in every thing. But I will put it in a Case wherein we are most apt to Err, and wherein we reckon it no less than Piety to play the Fool, to the end you may see how miserably we are cheated and abused, by sucking in the untried Notions that Education, the Arts of others, or our own Ignorance have imposed upon us.

The third Thought therefore shall be this : *Which are most the Creatures and Supporters of boundless Prerogative, Prelates or Dissenting Protestants ?* The Answer to which must, and can be no otherwise, *The Prelates.* Well then, if we would now reduce this to Practice, and say, *The greatest Friends to Prerogative are the Prelates, the greatest Enemies to our Laws and Liberties is Prerogative.* The only way therefore to restrain Prerogative, is to do, *What ?* To fortify and strengthen the Yoke of the Prelates over the Neck of the People ? No : (Surely this were an odd and a barbarous kind of reasoning) *But to give Liberty to Dissenting Protestants, as the best means to keep up the Balance against boundless Prerogative.* For these must, and never can be otherwise (unless by Accident, and by Mistake) than Friends to Liberty : But the Prelates neither are, nor can be otherwise than Creature to Prerogative, for all their Promotions, Dignities, and Domination depends upon it.

The same might be said concerning the only antient and true Strength of the Nation, the Legal Militia, and a Standing Army. The Militia must, and can never be otherwise than for *English Liberty*, 'cause else it doth destroy it self ; but a Standing Force can be for nothing but Prerogative, by whom it hath its idle Living and Subsistence. I could instance also in many other Particulars, but our Inadvertency in this, is Demonstration enough how much we are cheated by the common and hackney Notions imposed upon us ? and this is almost the cause of all the Error we commit. For missing our true Footing, you see we have run in the mistaken Notion of being for the Church so long, till we have almost destroyed the State, and advanced Prerogative so much by suppressing Nonconformity, that it's well nigh beyond our reach or power to put a check to it, and had not Time, and but an indifferent Observation, shewed us how much we were abused in this matter : and that a Lay-Conformist and a Fanatick can live as quietly and neighbourly together (would the Prelates but suffer them) as any in the world, we had ruined our selves past all recovery. For by our Eouying up the Bishops in their harsh and irreconcilable Spirit, instead of healing we have so fed and nourished the Discontents throughout the Kingdom, that I think nothing keeps the Fire from Flaming out a fresh in another intestine War, but the bare Circumstance of Opportunity only ; and how long that will be able to restrain Passions that are made wild by Oppression, is worthy a very serious Consideration ; and therefore there is hardly any thing more a wonder to wise men, then to see the Clergy run

run at this rate upon the Dissenters : wherefore since the Nonconformists have given so large and ample a Testimony of their willingness to live Peaceably, if yet notwithstanding the Clergy will not suffer them to be quiet in their Families and their Houses, I doubt, they may at one time or other, drive them into the Field, and then it may exceed their Divine Art to conjure them down again ; for he sees but little, that sees not the *English* Temper is better to be led than driven. And therefore I think it would not be more a Vanity, to compel the Ladies to wear Queen *Elizabeth's* Ruff, then to force the Nonconformists to be drest in her Religion.

Nor yet are these all the Arts we are under : For we have a Gang that Huff, and bear themselves high on the Country side, but earn only for the Court ; these lay out their Craft in putting the House upon little trifling things, and spend and waste the Mettle thereof, upon such pittiful Pickadilloes, as 'tis next to shame for an *English* Parliament so much as to mention. These start a fierce Dispute about some little Matter, and keep a bluster as if none were such faithful Patriots as they, when they do it on purpose only to while out the Time, and thin the House, by tiring the honest Country Gentry in so tedious, fruitless and trifling Attendance. Do but move things worthy a Parliament ; as that we may have our old known Rights of Annual Parliaments ascertained : That none that are or shall be bribed by any Place or Office shall ever sit in this House : That Parliaments ought not to be Prorogued, Adjourned or Dissolved, till all Petitions are heard, and the Grievances of the People redressed ; with many things more of as great Importance ; O then, forsooth, their pretended Loyalty (which in plain *English* is easily understood) will not abide such unmannerly and clownish Debates as these ; and twenty such little shreds of Nonsense are impertinently urged instead of Argument.

But further, these Countrey-Court Engines, after they have taken the Measures of the House, at the opening of every Session, by our Thanks for the gracious Speech, which being the true Pulse of the House ; if it happen to come so hard as speaks us but faint and cool to the one thing necessary, (the matter of Money) then they know what will follow, that the Court will get no Grist that Sessions ; and though the Court in Indignation could turn them home on the Morrow, yet it must consult its Reputation a little, restrain its Resentments, and suffer them to sit about a six Weeks, or two Months, and then they assure the Court, since they can get no good by them, they shall take no harm ; and therefore to stop them from some worthy Undertaking, they by their feigned Zeal against Court Corruptions, put them upon Impeaching some Treasurer, Councillor or Minister of State ; and having spent half our time about this, the rest is spent for the Clergy upon Church-Work, which we have been so often put upon and tired with these many Sessions : Though Partiality unbecomes a Parliament, who ought to lay the whole Body that we represent alike ease, Nonconformists, as well as Conformists, for we were chosen by both, and with that Intention that we should oppress neither. To lay one part therefore of the Body on a Pillow, and the other on a Rack, sorts our Wisdom little, but our Justice worse. You now see all our Shapes, save only the Indigents, concerning whom I need say but little, for their Votes are publicly saleable for a Guinea, and a Dinner every Day in the Week, unless the House be upon Money or a Minister of State : For that is their Harvest ; and then they make their Earnings suit the Work they are about, which inclines them most constantly as sure *Clients* to the Court. For what with gaining the one and saving the other, they now and then adventure a Vote on the Country side ; but the dread of Dissolution makes them strait tack about. The only thing we are obliged to them for, is, that they do nothin *Gratui*, but make every Tax as well Chargeable to the Court, as burthenfom to the Countrey, and save no Mans Neck, but they break his Purse. And yet when all is said, did but the Countrey Gentry rightly understand the Interest of Liberty, Let the Courtiers and Indigents do what they could, they might yet at last deserve the Name of a worthy *English* Parliament ; which that we may do, is not more passionately your Desire, then it also is of,

S I R,

Your most Humble

Servant.

T. E]

A



# A S P E E C H

MADE BY

Sir William Scrogg,

ONE OF HIS

Majesties Sergeants at Law,

To the Right Honourable the

Lord High Chancellor

OF E N G L A N D,

AT HIS

Admission to the Place of One of His Majesties Justices of the Court of *Common-Pleas*.

*My Lord,*

**T**HAT the King's Favour is the Effect of the Duty I have paid him, (which your Lordship is pleas'd to call Service) is the most welcome and pleasing part of his Kindness; and I trust we shall still see such Times that no Man shall hope to have it, or keep it on any other Account. The right Application of Rewards and Punishments, is the steady Justice of a Nation; where though the Rewards of Kings exceed what a Subject can merit, they should never reach him that demerits. To return Good for Evil may be an Obligation of Charity; It is never of Bounty. And the taking off (as they call it) of an Ambitious, and therefore a Factious Man, by Favours, is the worst way to stop or open his Mouth; for he will whisper one way louder, then he will speak the other: And when you think you gain one Enemy you make many.

On such an Occasion as this, I think it very proper to give your Lordship some Account what Considerations I have had, in order to the Discharge of my Duty in this Place, since the King's first Intimations of his Pleasure.

And that respects Matters, either as they stand betwixt the King and his People, or betwixt Man and Man.

As for the First, I know that the Law gives such Prerogatives to the King, that to endeavour more were to desire worse; and it gives to the People such Liberties, that more would be Licentious.

What then hath a Man to do that hath Courage enough to be Honest, but to Apply his Understanding to the Ministration of those Laws justly to both: wherein I may say, that the Cases will be rare that will be difficult in themselves. They may

may be made so from sinister Causes; when Men thinking to serve a Turn, or like Pilate, to please the People, deliver up that which is Right to be Crucified. Then they are fain to rack their Fancies to make good their Faults. This makes such nice Distinctions, and such strained Constructions, till they leave nothing plain in the World. Whereas in truth the Duty we owe to the King and his People, is like the Duty we owe to God, not hard to understand, whatever it is to Practise.

This Court, *My Lord*, 'tis true, is properly a Court of *Meum* and *Tuum*, where Prerogative and Liberty are seldom Plaintiffs or Defendants, but yet 'tis certain, that even in private Causes, Matter of Government many times intervenes, and the Publick is concern'd by Consequence. And therefore I think it fair, and like *English* Honesty and Plainness, something to unveil one's self in that particular, that Men may know before-hand what they may expect. And herein I do declare, I would no more wrong or lessen the People's Liberties, than I would sacrifice up my Son. But then I will no more derogate from the King's Prerogative, than I would betray my Father.

*My Lord*, In time when Faction is so bold as to be bare-fac'd; and false and seditious News is openly talk'd, and greedily embrac'd; when the King's reasonable Demands are disputed, and turned into Cavils, and those that oppose 'em talk confidently; and those that should maintain 'em speak fearfully and tenderly; when the Reverence we owe to the King is paid to the People; the Government is better, the King is in Danger, and there is nothing wanting but Opportunity.

But when to prevent that Opportunity, Men are afraid, and hold it dangerous to avoid the Danger; when we dare not call a Crime by its right name; and for some, find none; and a Mischief must be effected, before we will think it one: When dangerous Attempts are minc'd, and by some trivial difference Treason is distinguish'd into a Trespass; when Men are forward and venturous enough in what thwarts the Government, but in supporting it, seem grave and cautious, nice and timorous, and so fill'd with Prudentials, till they are as wise as fear can make 'em: The Law is enervated, and becomes useless to its greatest end, which is, the Preservation of the whole.

'Tis true, in Publick Causes, the same Integrity is necessary as in Private; But that is but part of a Judge's Duty. He must be Magnanimous as well as Virtuous. And I acknowledge it to be a main and principal part of my Duty, as it relates to the King and his People, with hearty Resolution to suppress all open Force and private Confederacies; not thinking any thing little that attempts the Publick Safety; for when the Motives are small, the Danger is greater; when Discontents exceed their Causes.

And for the Discharge of my Duty betwixt Party and Party, it is impossible to be performed without these two Cardinal Virtues, [Temper] and [Cleanness of Hands] Temper comprehends Patience, Humility and Candor. It seems to me that Saying, *Be quick to hear, and slow to speak*, was made on purpose for a Judge. No Direction can be apter, and no Character becomes him better: and he that would not be said to have but one Ear, methinks should be ashamed to have none. And I appeal to your Lordships Experience, if a patient Attention, accompanied with indifferent Parts, and a Competency in the Law, with a mind fairly disposed for Information or Conviction, will not, as to Use and common Benefit, exceed the profoundest Knowledge, and most towering Understanding, that is attended with an impetuous Haste, either out of a glory of Speaking, or too great a fulness of himself.

And for Humility, Though I will not say that every Impatient Man is proud, (because that may arise from other Causes) yet every proud Man is impatient, sometimes of Information, always of Contradiction; and he must be violent to maintain his own Imperiousness.

Harshness is a needless and unbecoming Provocation: It makes Men hate where they should fear and reverence: And yet by Gentleness I understand, not Tameness, but Moderation; not without Rebukes, but without Taunts.

For Corruption, that Perverter of Law and Destruction of Property, that leaves in the World neither *Bonum* nor *Equum*; for when he does Right, he does not Justice; and he that sells Justice, will sell Injustice. 'Tis not only to be avoided, but abhorred; and not alone in its direct Approaches, but in Relatives and Servants, those By-ways of Bribery; and it becomes every man so manifestly to detest, that it may scare even the Attempt: for no Man is sufficiently safe unless to his Power he avoids the Suspicion as well as the Fault. Practise does

one and that which makes me speak this, a publick Profession against it, is the way to do the other.

And where Gifts prevail not ; yet if Fear, Relation or Popularity sway, 'tis the same thing. If there be a Byass put to a Man, it matters not of what 'tis made. Nay, these are worse than Corruption by Money ; for there both sides may have the same Tools, when a Man cannot make himself a Kin, nor his Cause Popular.

And now give me leave, *My Lord*, to shew why I thought it fit, nay extreemly necessary to say something on the particulars I have mentioned.

First, to satisfy your Lordship and the World I undertake not this Place without due Considerations of the Duty belongs to it. Next, It is some Tye upon a Man not to commit those Errors he hath in Publick declaimed against : for he must add Impudence to his Crime, to have his own words fly in his face, with which every Man will upbraid, and no Man can excuse him.

*My Lord*, In a Discourse on such an Occasion as this, where Men are concern'd in Point of Interest, (for so they are when a Judge is made) my Aim is not to say what will please their Humours, but what should satisfy their Minds : Neither am I so vain as to think I shall do that with all ; nor much concerned though it fall out so. If Reputation and a good Name can be got by doing my Duty, 'tis welcome ; but if it must be sought by other Arts, I will be no Seeker ; especially considering that the Applause of the Multitude, that Contingent Judge of Good and Bad, rather attends the Vain than the Virtuous, and is oftner sought by such too. The Approbation of the Wise, which are the Few ; and of the Honest, by which I intend, Men heartily affected to the Government, I acknowledge I earnestly covet : for them that are otherwise, I court not their good Opinion, because I fear not their bad ; and would not draw that Suspicion upon myself, that Men may say, What Ill has he done, that those Men speak so well of him ? I never was of their Party, nor never will be. And to be even with them, I think as meanly of them as they do of Loyalty ; whose Misfortunes are more to be esteemed than their Triumphs. The good Words of such as truly love their Country, (which no Man ever did that does not love his Prince) indeed I highly prize, and will endeavour to deserve ; though your Lordship at this time has been beforehand with me in that Particular, by bestowing them upon me first ; and so many, that I am ashamed I have been no better to have made 'em good : But because your Lordship is willing and able to render any Man much better than he is, they ought to be esteemed as the Proceed of a Generous Nature, and an Indulgent Prudence ; which by telling me what I am, does but kindly insinuate what I should be.

*My Lord*, I will waste no more of your Time, though I omit those usual Returns of formal Thanks ; for they are of course ; or extreem wondring at the great Surprizals of the Kings Favour ; and those humble, yet high Debasements of ones Self, which look like Modesty but is a sort of Bravery.

My Thanks shall be paid in (what the KING likes best) Service to His People. The wonder will cease by that time I get to the Bench : and my Defects are best confessed by endeavouring to amend them.



A  
DISCOURSE  
UPON THE  
Designs, Practices & Counsels  
OF  
FRANCE.

S I R,  
YOU gave me a Brief, and a Pertinent Deduction the other Day, of the *French Practices and Designs* ; the Progress of their Arms, and the Methods of their Proceedings : Together with a Scheme of the inevitable Ruine and Slavery that threatens *Europe*, without a speedy and a powerful Conjunction against them.

After this general Contemplation of the present State of *Christendom* ; you were pleas'd to take a particular Prospect of the Interest of this Nation ; and how far we are to reckon our selves concerned in the Common Calamity : Coming at last to this Conclusion, That *England cannot reasonably expect to stand long, after the Loss of Holland and Flanders*. For the Support of this Opinion, (besides the Force of your own Reasoning) you referr'd me to several Historical and Political Treatises upon the Subject ; which I have diligently examin'd, and made use of, in this following Discourse ; wherein I take the Freedom to give you my Thoughts upon the whole matter.

Your first Charge upon the *French*, was, Breach of Faith : and you pitch'd upon the Cases of *Spain*, and *Portugal* ; the barbarous usage of the Duke of *Lorain* ; and the Nulling of the most *Christian Queens* Renunciation upon Marriage ; (which was the very Foundation of the *Pyrenean Treaty*) by a pretended Devolution of the *Spanish Netherlands*, in the Right of that Match : Their underhand Tampering of *Denmark* and *Sweden*, to draw the One from us, and hinder the Other from joyning with us ; the Influence they had upon our Disgrace at *Chatbam* ; their playing Booty on both sides, betwixt *England* and *Holland* in the *Dutch-war* : and to these Instances, (which are all so notorious that they need no expounding) you might have added a thousand more of the like Quality. But these may suffice for a seasonable and a necessary Caution, and without the Helps of Aggravation and Clamour ; especially that extraordinary Action of destroying the *Queens Renunciation*, and then invading the *Spanish Netherlands* upon it : An Action hardly to be parallell'd in the Story of the whole World, for a Concurrence of so many enormous Circumstances. There was in it, *The Publick Faith of the two Crowns* ; which is the only Security of Government, and the Bond of Humane Society : There was in it *The Solemnity of an Oath at the very Altar* ; which is the most Sacred Tye of a *Christian* : There was also *The highest Profession, and Assurance of Friendship imaginable* ; which is accompted one of the most binding Obligations betwixt Man and Man : And then there was a *Brother, a Cousin, and an Infant in the Case* ; which makes it Matter of Humanity and Honour. And yet all these Cords were as easily broken as Bulrushes. This single President may serve, however, for a warning to all Princes and States, not to leave themselves at the mercy of Men of such Principles. But his most *Christian Majesty* is not the only Prince that has been abused by Corrupt and Ambitious Ministers.

Your next observation was, That they are the greatest Intermeddlers in the World, in other Peoples Affairs, that they embroil all wherever they come ; and that there's hardly any Rebellion, but they are in the bottom of it. For their Money walks in all the Courts and Councils of *Christendom* ; nay, and beyond it too : For 'tis said that the  
last

last *Grand Vicer* was their Pensioner. Was it not *France* that debauch'd *Scotland* first; and afterwards *England* into the late Rebellion? Nay, did they not stand still, and look on, to see the Crowning of the Work which they themselves began, in the Execrable Murther of the late King? and did they not refuse to our Gracious and Persecuted Sovereign—even a Retreat, in their Dominions? How did they prolong the War in *Portugal*? What Havock have they made in *Poland*, and what work in *Hungary*? And are they not this Day in Council with the Port against the Empire, and undermining the Bulwark of *Christendom*? How have they dash'd *England* against *Holland*; blinded the Eyes of several Princes of the Empire; and baffled all Mediations towards a General Peace? Did they not formerly, under the Colour of Protecting *Germany*, cut off *Alsacia* from the Empire? and in a word, this has been their Practice where-soever they have come: They convert *Barbours* in *Spain*, (says the Admirable *Bacon des Isles*) Leagues in the Empire; Factions in *Poland*; Wars in *England* and *Holland*; Passes into *Italy*; and the Sovereign Arbitrage every where. Their Quiet consists in the Trouble of all others, and their Advantage is in the Publick Calamities. Nor have they any other way, then by dividing, and weakening of the parts, to master the whole, which is the Capital Design. And if so, There's no Fence against a Common Enemy, but a Common Union.

It is already made appear, by what is above said, how dangerous they are to Mankind. The next hint you gave me, was to consider on't, Whether the *English* may reasonably expect any better Quarter from them, then other People: in which point, I shall only lay the matter before you, and leave you the Judge on't.

The Four main Interests of a Nation, are Religion, Reputation, Peace, and Trade. For the First of these; we shall neither fare the better, nor the worse; but lose just as much for being of another Communion, as his *Catholick Majesty* gets by being of the same. The Question now on Foot is a Communion of State, not of Faith. The *Alcoran* and the *Gospel* go hand in hand; and at the same time, the *Protestants* are protected in *Hungary*, and persecuted in *France*. To say nothing of the Encouragements they give there to the *Jansenists*, which may, for ought we know, prove the greatest Blow to the Church of *Rome* that ever it received since the Reformation. But what do I talk of Religion, in a Cause that is dipp'd in Christian Blood, and in the Tears of Widows and Orphans? A Cause that is propagated by Sacrilege, Rapes, Depopulation, Slavery, Oppression, and at least a Million of Lives sacrificed to it already? The very Thought of it is enough to strike the Soul of any Man with Horror and Indignation.

If you would see how tenderly they have handled us in the Business of Reputation: Pray do but cast an Eye upon the Character of an *English-man* in their *Politique de France*.

*Quant a ce qui est des Anglois, ils n'ont aucuns amis, ce sont des gens sans Foy, sans Religion, sans Probite, sans Justice aucune, desians, legers au dernier point, Cruels, Impatients, Gourmands, Superbes, Audacieux, Avares, Propres pour les coups de main, et pour une prompt execution, mais incapables de conduire une Guerre avec judgment. Leur Pais est assez bon pour vivre, mais il n'est pas assez riche pour leur fournir les moyens de sortir, & de faire aucune conqueste: aussi n'ont ils jamais rien conquis, excepte L'Irlande, dont les habitants sont fobles, & mauvais Soldats, &c.* i. e. As for the *English*, they are a People without Friends, without Faith, Religion, Honesty or Justice; Distrustful, and Fickle to the bigbest Degree imaginable, Cruel, Impatient, Gluttonous, Proud, Audacious; they will do well enough for a Rubber at Cuffs, or a sudden Exploit, but they understand nothing at all of the Government of a War. The Country is passable enough for them to live in; but not rich enough to offer at any Conquest abroad; nor did they ever make any, but upon the *Irish*, which are a weakly People, and ill Soldiers.

I think it were not amiss in this place, to desire our Impertinent Undertaker to turn back to the History of *Philip de Valois*. and he shall there find there that our *Edward* the III. made a Shift with one Army to beat 60000 *French*, and leave berwixt Thirty and forty Thousand of them upon the place; and with another Army in the Bishoprick of *Durham* to defeat as many *Scots*, and cut off 15000 of them too. And it must not be here omitted, that this *Scotch* Army was also animated by *French* Counsels. I would not willingly run out a Letter into a Volume, so that all other Reflections apart, I shall only add, that if the *English* had not once recovered the Field, and another time made it good in two of the greatest Actions of late that have yet passed berwixt the *Imperialists* and the *French*, 'tis the Opinion of Wise Men, that the later would not have had much to brag of upon the Success of this War. And this in some degree is acknowledged by the Author of a *French Relation of the Actions betwixt the two Armies* in

1675, 1676, and 1677, (how Romantical soever in other Cases). Speaking of the Battle under the Command of the Count de Lorge, after the Death of the Vicomte Turenne, these are his words, *Es a rendre justice aux Anglois, & aux Irlandois, on peut dire, qu'on leur doit une bonne partie de cette victoire*: That is to say, And to give the English and Irish their due, France is indebted to them in a large measure for this Victory. But now to our Politician again: *Ils se haïssent les uns les autres, & sont en division continuelle, soit pour la Religion, soit pour le Gouvernement*. The English, says he, hate one another, and are still quarrelling, either about Religion or Government.

These Indecencies would almost make a Man call them Names; but let us pass without one angry word, from the Interest of our Reputation, to that of our Peace, and enquire how they stand affected to us upon that point. To say, that England has not for a long time had any Troubles either at home or abroad, which the French have not promoted, or improv'd to their own advantage; is to say no more than that they deal with us, as they do with all the World beside; so that we must e'en have recourse again to their Politicks for some particular Mark of their Favour, where you shall find that our State-Mountebank has not yet shewn all his Tricks, but puts himself with a very grave and fore-casting Countenance upon the very Project of our Ruine: *Une Guerre de France, de trois ou quatre ans contre eux les ruinera entierement, ainsi il semble qu'il ne faut point faire de paix avec eux qu'à des Conditions qui nous soient tres-avantageuses*. A War (says he) of three or four Years with France, would absolutely destroy the English; so that methinks we should not entertain any Peace with them, but upon very profitable Terms. And then a little after: In fine, says he, the way to undo the English, is to make them keep an Army on foot; and there's no fear of their Landing in France, but to their certain destruction, unless they should be invited by a Rebellion; without which, their Troops will in a short time most undoubtedly fall foul one upon another. To keep them upon continual Expence, 'tis but giving them the Alarm upon the Isles of Jersey, and Guernsey, Wight, and Man, Ireland, and the Cinque Ports; by which means, they will be put upon the Charge of Fortifications and Garrisons, which will persuade the People that the King intends to set up a Standing Army, and an Arbitrary Government. So long as this holds, the Nation will never be at quiet, but torment themselves with Fears and Jealousies, which may be easily fomented by Letters in Cypher, to such or such particular Persons; and in such sort to be intercepted as shall be found convenient. These Letters may give a Hint of a Descent in Ireland, and elsewhere, which would dispose the Irish, who mutually hate the English, to a Revolt; and among the suspicious Multitude they would pass for Gospel. This Contrivance would make the Scots also to bethink themselves of recovering their Liberty; where there must be Parties made, and the Sects encourag'd one against another; especially the Roman Catholicks must be fairly handled, and private Assurance given (in the Name of the King of England) to the Benedictines, (who are easie enough to be impos'd upon) that they shall be restor'd to all their former Benefits, according to the Printed Monasticon; which will presently make the Roman Catholicks declare themselves; and the Monks will move Heaven and Earth for the bringing of Matters about: But then Care must be taken to carry on the Report, that the King is of the Romish Religion; which will distrust the Government, and throw all into an Absolute Confusion.

From hence we may gather: First, What Opinion the French have of us. Secondly, That it is not only their Desire and Study, but a formed Design to embroyl us. Thirdly, That they will stick at nothing neither, to compass that End, be it never so foul. Fourthly, This Libeller has trac'd us out the very Methods of their working: As by amusing the People with forged Letters of Intelligence, where the first Author of the Plot must miraculously discover it. By filling the Peoples Heads with Fears and Jealousies, and leaving no Stone unturn'd in England, Scotland, and Ireland, to stir up a Rebellion. Why has he not advis'd the Poysoning of all our Fountains too? which would have been a Course of as much Christianity and Honour. But that this Trifler may not glorifie himself too much in his wondrous Speculations, take Notice, that he is only the Transcriber, not the Author of this goodly Piece, for the Original was betwixt Richlieu and Mazarine; and it amounts to no more in effect, than an imperfect History of the French Dealings with us for a long time, and particularly in our late Troubles.

To come now from his most unmannerly Malice, to his Reason of State; if I am not mistaken: England might longer subsist in a War with France, than France could in a Peace within itself (the heaviest of all Judgments, when a Nation must be wicked upon necessity). And again, when he says, That England cannot hurt France by a Descent, unless call'd in by a Rebellion. He never considers, That if England had an Army a-foot, and stood inclin'd to make use of it that way, we should not be long without an Invitation. For we see what the Bourdelois, &c. did upon their own Bottom, and without any Forreign



Encouragement; and the whole Business miscarried only for want of a vigorous Second. Lastly, Give me leave to say, that he has extremely over-shot himself in one thing more; for tho' this has been really the Practice of the *French*, and is at this day the very Model and Rule by which their Emissaries govern themselves; it should yet have been kept as the greatest Secret in the World: for the owning of these Inglorious Artifices in Publick, makes it one of the grossest Libels that ever was written against the *French Government*: to say nothing of his oversight in disobliging the *Roman Catholicks*, and laying Snares to trepan them.

The Question of Trade has been so beaten already, that there remains little to be added to it. Nor in truth needs it, since it is agreed on all hands, that the *French* set up for an *Universal Commerce*, as well as for an *Universal Monarchy*. And in effect, the one is but a necessary consequent upon the other. Nor is it enough, it seems, for us to be design'd upon by them, without lending them our Hands towards the Cutting of our own Throats: For upon a sober and judicious Estimate, we are Losers by our Trade with France, at least a Million and an half per Annum. I shall conclude this Head with one passage more out of our *Politiques of France*: (And you'll say 'tis a pleasant one too, but it must be under the Rose) Upon a presupposal of Mischief that's a Brewing in England: Now, says he, it will be our Business to renew our Alliance with Holland; we can wheedle them into an Opinion, that they are the only Men that understand the Knack of Trade, so that they shall have that to themselves: the Talent of the French, alas! lies another way; and there's no forcing of any thing against Nature: and that now's the nick of time to crush their Competitors for the Northern Seas. So that we are all of us to be served with the same Sauce; but 'tis some degree of Honesty yet, when they tell the World what they are to trust to.

Now to sum up all that's said: If the *French* can dispence with Oaths, and Solemn Contracts: If it be their Custom, and a Branch of their Policy, to fish in troubled Waters: If they hate us, as *English-men*, and are not for us, as *Reformed Catholicks*: If they do all they can to wound us in our Reputation, our Peace, and our Trade, we may take for granted, that they will destroy us to all purposes if they can, which naturally leads me to an Enquiry, how far we are in their Power, or likely so to be, that we may take our Measures accordingly.

It will not stand with the brevity I propose in this Paper, to give you a Geographical, or an Historical Account of Places or Actions: But in as few words as I can, I am to present you with a general View of the present State of *Christendom*, with a regard to the Power of France; and then to consider how far England may be concern'd in the Common Fate. Here it was that you and I brake off in our last Discourse; so that in the prosecution of it, I must try to walk without leading, (saying only the helps that I have gathered from certain Tracts which I have read, upon his Recommendation) wherein I shall steer a middle course, betwixt some that over-value the Strength of France, and others that will have it to be less than indeed it is.

That the Arms of France are at this day formidable to all *Christendom*, is not to be denied, and Tacitus gives you the reason of it, in the Case of the Romans and the Britains, *Rarus* (says he) *ad propulsandum commune Periculum conventus: ita, dum singuli pugnant, universi vincuntur.* There must be a common force to oppose a common danger; they struggled one by one, till they were all destroyed. The French (no doubt of it) are a Wealthy, a Populous, and a Military Nation. But it must be allowed, that they are more indebted for their Greatness, to the Slips and Oversights of others, (and this without disparagement too) than they are to their proper Conduct and Valour. The advance they made into Flanders in 1667, was introduced by the Spaniards trusting to their Assurances of Friendship, and rather imputable to an excess of Charity, than any want of Precaution; though it seemed not very likely, that they should march with Horse, Foot, and Cannon, only to go a Birding. Through these and the like Arts they have rais'd themselves to that dangerous height where now we behold them; taking all Advantages of the unferled Condition of Spain; the Divisions of the Empire, and the Factions in Holland, and of all other Mistakes in point of Fore-sight and Resolution elsewhere. You know very well, the Conquests they have made upon the United Provinces, the Spanish Netherlands; a considerable part of Germany with the Terror and Devastation that accompanies them every-where: The Progress of their Arms in Catalonia, Sicily, the West-Indies, &c. Now what may be the Consequences of this over-growing Power, and how to prevent them, is the matter in Question.

AS it is without Dispute, that the *French* aim at *Universal Dominion*, (which is only a more plausible Cover for that *Universal Slavery* which must create it) so is it accounted as indubitable a Principle, that the Conquest of *Flanders* must be the Foundation of it. And according to this Maxim it is, that they take their Measures; for they have made themselves Masters of the Out-works already in *Valenciennes*, *Cambray* and *St. Omer*; three places of very great Strength and Importance: And it is generally believ'd by the recalling of their Troops from the *Rhine*, and bending the Flower of their Force that way, that they will push for the rest this *Campania*. If they carry it, (as probably they will, without the speedy Addition of some powerful Alliance) take notice, I beseech you of that which naturally follows. In the first place, the Charge and the Hazard of that War is over, which in Garrisons, and in the Field, has put his *Most Christian Majesty* to expence of keeping near 100000 Men in Pay: (which will then be at Liberty to fall in upon the Empire. (Beside, what has been expended in *Management*, as the *French* call it, which in honest *English* is down right Corruption. Secondly, This Acquisition will furnish the *French King* with Men and Monies, for an Army of Fifty thousand Men, (and no better Souldiers in *Europe*.) Thirdly, what will become of the Duke of *Brandenburg*, if the *French* shall fall into *Cleves*, and *Mark*, with a matter of Forty or Fifty thousand Men more, and from thence into *Pomerania*, and *Prussia*? Fourthly, the whole Patrimony of the Empire, from the *Rhine* to the Frontiers of *France*, fall by an inevitable Consequence into the hands of the *French*; as they have already swallowed the three Bishopricks of *Metz*, *Toul* and *Verdun*. So that the *Imperial Army* will be forced over the *Rhine*, and there probably kept in play, and upon the bare *Defensive*, by the Princes of the *French Interest*; while in the mean time, the Princes of *Westphalia* will be reduc'd to an absolute Necessity of ranging themselves under the *French Protection* and changing their Party. And what can then be expected from *Holland*, after what they have suffer'd already, and under their present Despairs. but to content themselves with such Conditions as *France* will give them? For after the loss of *Cleves* and *Flanders*, their Case is wholly desperate, unless *England* should vigorously interpose to their Relief. And the State of the Empire is neither better nor worse than that of their Neighbours; for they must all submit their Necks to the same Yoke. When matters are brought to this Pass, they have before them, *England*, *Spain* and *Italy*; the Cloud is gathered already, and it is wholly at their Choice where it shall break.

There are a great many People, I know, that promise themselves mighty things from the event of another *Campania*, for want I fear of consulting the Chart; and the almost insuperable Difficulties that lie in the way; The means they propose are either by carrying the War into *France*, by way of *Revulsion*, or by forcing the *French* upon a Capital Battel; The former Proposition seems First very impracticable; and Secondly, of little or no Advantage, if it could be effected. It must be considered that beyond *Metz*, *Coblentz*, and *Treves*, the *Imperialists* have no Magazine at all beside that betwixt *Treves* and *France* (a part of *Luxemburg* excepted) is absolutely in the Enemies Power. Now how should an Army subsist there, that must over and above, pass through a Country of about twenty Leagues, that is wholly laid waste, and in ashes, and without any Cattle in it, or any other sort of necessary Provision?

Put the Case now that the *Imperialists* should break through all these Difficulties, and carry an Army even into the *Lorraine* itself, the Country of *Metz* in or *Burgundy*, (which would take them up the best part of a Summer too) all the strong holds are in the hands of the *French*, and the Country laid so desolate, that there's no living for an Army there. When 'tis come to this, they must resolve either upon a Battel or Siege. If the former, The *French* are at liberty whither they will Fight, or no, and there's no compelling of them; for they are among their strong holds; and all's their own both behind them, and on each side, and the Country either burnt or deserted. But carry it farther yet, and suppose the *French* forced upon the Risque of a Battel, First, the *Imperialists* are not sure to get the better of it. And Secondly, What if they should? Nay to the Degree of an entire Victory? All that would be expected more for that Year, would be only to take in some considerable Poss, and make good the ground they had gotten for the next Campaign: For it would be a madness to pursue their Victory into the heart of an Enemies Country, and leave so many Garrisons upon their backs, which would undoubtedly cut off all their Convoys and starve them.

But this is still the supposing of a Thing not to be supposed; for the *French* in this Case, would stand upon the *Defensive*, and not to come to a Battel. Or in case they should, and be worsted; they have Men enough in Garrison for Recruits, that would immediately reinforce them.

Now

Now on the other side, what if the *Imperialists* should chance to be routed? The Garrisons which the *French* hold in *Lorraine*, *Burgundy* and *Alsacia*, would in such Case, totally destroy that broken Army, and cut out such work in *Germany*, as has been known in the *Empire* for many Ages.

In this extremity, let us suppose that the *Empire* should yet bring another Army in to the Field; and try the Issue of a Second Battle, and miscarry: And that the distressed Princes of the *Empire*, should declare themselves for the Enemy; all that part of *Germany* that lies within two or three Days Journey of the *Rhine*, would be irrecoverably lost; a great part of it being so harried already, that 'tis not able so much as to furnish an Army upon a March, much less for a Winter Quarter.

Now to the Business of a Siege, the *French* have taught us, by *Philipsburg* and *Mosricht*, that they want neither Skill to fortifie a Place, nor Courage to defend it. So that without a great loss of Time and Men, it cannot be expected that the *Imperialists* should make themselves Masters of any considerable Place: and when they shall have carried it; what will a Town in *Lorraine*, or *Burgundy* signifie to the saving of the *Spanish Netherlands*, which if once lost, are hardly ever to be retriev'd?

Now taking this for granted; if *England* does not step in with all the Speed and Vigor imaginable, see what will be the end on't, First, That the *French*, being Masters of all the Posts, Passes and Strong-holds in *Lorraine* and *Burgundy*, may dodge and trifle the *Imperialists* at Pleasure; and make them spend out the Year without any Advantage to the *Netherlands*. The way would have been for the *Imperialists* to have prest with an Army of 50000 Men directly into the Body of *France*, and the Confederate Troops in the *Low Countries*, to have made another Inroad by the way of *Picardy* or *Bologne*; but since the taking of *Valenciennes*, *Cambray* and *St. Omer*, there's no possibility of piercing *France* that way, So that a very small Army now upon the *Spanish Netherlands*, with the help of the *French* Garrisons, is sufficient to amuse and tire out the whole Force of *Spain*, and *Holland* upon that Quarter.

Secondly, *France* being thus secured on that side will unquestionably fall in with all their Power upon the *Empire*; unless diverted by the Alarm they have now received from *England*. Now admitting this to be the Condition of *France*, let any Man of Sense judge what Good the *Imperial Army* can do to the *Netherlands* (upon which single point depends the Fortune of *Christendom*.) What if they should March up to the Borders of *France* with 50000 Men? Will not the *French* encounter them there with as many, or more? And with this odds too, that the *Imperialists* suffer a thousand Incommodities in their March through a ruin'd Country; Whereas the *French* have good Quarters, and plenty of all things at hand, watching the others Motions and improving all Advantages against them.

Thirdly, In this Posture of Affairs, the Confederates must never expect to do any great Matter upon the *French*, in these Provinces unless they do very much outnumber them.

And it is likewise to be considered, that these Troubles falling out in the Minority of his *Catholic Majesty*, the Distractions of that Government, the Revolt of *Sicily*, and great Disorders upon the Frontiers of *Spain*; the *Netherlands* have been much neglected, till the Elevation of his Highness *Don Joan of Austria* to the Dignity of *Prime Minister*. And that it is not possible for him, by reason of the many Exigencies of that Crown nearer home, to send any considerable Succour to the *Low Countries*, otherwise then by Supplies of Money: So that by that time the *Imperialists* and the *Hollanders* are got into their Winter-Quarters, or at least, before they take the Field again, the *French* from time to time will be ready with fresh Troops out of their Garrisons to prosecute their Conquests; which by Degrees must needs break the hearts of the poor Inhabitants, when they find that neither their Faith, nor their Courage, is able any longer to protect them. And when that Day comes, what by their Armies, and what by other Influences, the *French* will have as good as Subdued Two thirds of *Europe*. And there will also occur these farther Difficulties. First, No body knows where the *French* will begin their Ataque; which will oblige the *Spaniards* and *Hollanders* to strengthen all their Garrisons as far as their Men will reach. Secondly, When the *Spanish* and *Holland* Troops shall be so dispers'd, wherefoever the *French* sit down, they must then give themselves for lost, for want of an Army to relieve them; beside their furious and obstinate manner of Assault, for they care not how many Men they lose, so they carry the place. (And then most of the Men too are made Prisoners of War.) Nor is the Season of the Year any Discouragement to them neither; witness their First Irruption into *Burgundy*, and the restless Activity of their Troops even at this Instant.



So soon as their work in *Flanders* is over (which only *England* under Heaven, is able to prevent or Check) the *French* will have an Army of at least 50000 Men about *Lorraine*, *Luxemburg* and *Burgundy* to face the *Imperialists*, and at the same Time with as many more perhaps they will seize upon the Dutchy of *Juliers*, and of *Cleves*, and from thence pass the *Rhine*, to countenance those that are of the *French Cabal*, on the side of *Westphalia*; and so in due time, several other Princes of the *Empire*. It is remarkable that in Three Years War against the *Confederates*, his most *Christian Majesty* has not only stood his ground, without losing so much as one Inch of his Ancient Patrimony, but actually and almost without Opposition, taken several Towns, and some entire Provinces, from the Principals of the *Confederacy*; And made himself almost as considerable at Sea, as he is at Land; Not only in the *Mediterranean*, and upon the Coasts of *Spain* and *Italy*, but in *America* too: where he has laid a Foundation of great Mischief both to *England* and *Holland*, in the point of Commerce; if not timely prevented. And he does little less by his Money, than by his Arms; for he pays all, and with *French Money*, under pretext of Neutrality, maintains considerable Armies in the very heart of the *Empire*; which, 'tis feared, will be ready enough upon any distaster, to joyn with the Common Enemy. It is the *French Court* that manages the Counsels of *Poland*, and they govern the *Swisse* no less; who, by the Conquest of the *Franche County* are made little better than slaves. And yet by a fatal Blindness that *Republick* still furnishes the *French* with the best of their Soldiers, and helps forward the Destruction of *Europe*, never dreaming that they themselves are to be undone too at last.

But it is no great matter, you'll say, to impose upon the *Swisse* (which are a heavy and Phlegmatick People) but the *French* Charms have bewitch'd even *Italy* it self; though a Nation the most Clear-sighted, and suspicious of all others. For their *Republicks* lie as quiet, as if they were asleep; though the Fire is already kindled in *Sicily*, and the Danger brought home to their own Doors. It is a wonder, that they lay things no more to heart, considering, First, the Passages the *French* have to favour their Entry. Secondly, That they are many and small States, weak, and easily to be corrupted, if not so already. Thirdly, that though they have been formerly very brave, and many particulars remain so still, yet in the generality they are soft and effeminate. And Fourthly, that the *French* is there the Master of the Seas. These Reflections methinks might convince any Man of the Condition they are in. And certainly they that were not able to defend themselves against *Charles* the Eighth, will be much less able to encounter *Lewis* the 14th: Or if he gets in, to drive him out again, as they did the Other. For they must do it wholly upon their own Strength, having only the *Turk* in Condition to help them. For *Germany* and *Spain* are sunk already; And the *Swisse* will neither dare to venture upon't, nor are they able to do it, if they had a mind to't.

As for *Spain*, it is neither Populous, nor fortifi'd, and perhaps want of Provisions may keep it from an Invasion. And yet for all that with a Body of Thirty or Forty Thousand Men by the way of *Fontaraby*, and as many by *Catalonia*, the *French* may (if they please) in two *Campanias* make themselves Masters of *Navarre*, *Aragon*, *Catalonia*, and *Valencia*: and then it is but fortifying the Frontiers, and making his *Catholic Majesty* a Tributary in *Castile*; Who must content himself to take what they please to give him, over and above, in consideration of his Dominions in *Italy*, and the *Spanish Indies*: A Possibility that *England* and *Holland* shall do well to think of: For when he has the Mines in his Power, and *Europe* under his Feet, there will be no contending.

After this, they have only the *Swisse* or the *English*, to fall upon next: For the Former, they are neither fortified nor united in Affections or Religion.

As for *England*; They are a People not naturally addicted to the *French*, sensible of their Honour, and of their Interest, and the whole World is convinced of their Courage. They are United under the Government of a Gracious Prince; and their Concerns are at this Instant lodged in the hands of the most Loyal and Publick-spirited Representatives that ever acted in that Station; beside the Strength of the Island by Situation: So that the *French* would find it a hard matter, either to make a Conquest here, or if they should surprize it, to keep it. But yet they have finer Ways to Victory than by Force of Arms; and their Gold has done them better Service than their Iron.

What have we now to do then, but in a Common Cause, to arm against a Common Oppression? This is the time, or never, for *Italy* to enter into a League for their Common Safety, and not only to keep, but, if possible, to force the *French* from their Borders; while the *Imperial Army* holds the Capital Power of *France* in Play?

And this is the time too, for the *Swisse* to recal all their Troops out of the *French* Service, and to strike a general League also for the Recovery of *Burgundy*, the only Outwork of their Liberties, and to expel the *French* Garrisons, and deliver the places into the hands of the Right Owners.

And will it not concern *Poland* as much as any of the rest; that stands and falls with the *Empire*, as the Defence of *Christendom* against the *Turks*, and whose own turn is next.

This Alarm methinks should call off the Princes from the Acquisitions they have made upon part of the *Swedes* Possessions in the *Empire*, to the Assistance of the *Spanish Netherlands*; and make all the *French* Mercenaries in the *Empire*, to bethink themselves of returning from the Delusions which either the *French* Artifice or Money has imposed upon them. He that has no regard for the Head, will have less for the Dependences, when he has them at his Mercy.

Nay the very *French* themselves should do well to contemplate the Slavery that is now prepar'd for them. Their Laws and Liberties are trampled upon; and till the *French Government* be reduc'd to the Bounds of its Ancient Constitution, neither the People, nor their Neighbours, can ever be secure.

In this dangerous Crisis of Affairs, it has pleas'd Divine Providence to leave *England* the Arbitress of the Fate of *Europe*; and to annex such advantages to the Office, that the Honour, the Duty, and Security of this Nation seem to be wrapt up together. In the Point of Honour, what can be more Generous, than to succour the Miserable and the Oppress'd, and to put a stop to that Torrent that threatens *Christendom* with an Universal Deluge? Beside the Vindication of our selves for those Affronts and Indignities, both Publick and Private, that we have suffer'd upon our own Account. And then in matter of Duty: It is not only *Christendom*, but *Christianity* itself, that lies at stake. For in the Ruine of the *Empire*, the *Turks* work is done to his hand, by breaking down the only Fence that has preserv'd us all this while from the Incurfions of the *Ottoman* Power. Now as nothing can be more glorious than at all hazards, to hinder the effusion of more Christian Blood, and to save *Christendom* itself from Bondage; it is so much our Interest too, that we our selves are lost without it. And as the Obligation is reciprocal, so the Resolution is necessary: The choice we have before us being only this, *Either to unite with our Neighbours for a Common Safety, or to stand still and look on, the same Spectators of their Ruine, till we fall alone.* This is so demonstrative, that if we do not by a powerful Alliance and Diversion, prevent the Conquest of *Flanders* (which lies already a gasping) we are cut off from all Communication with the rest of *Europe*, and coop'd up at home, to the irrecoverable loss of our Reputation and Commerce; for *Holland* must inevitably follow the Fate of *Flanders*, and then the *French* are Masters of the Sea; Ravage our Plantations, and infallibly possess themselves of the *Spanish Indies*, and leave us answerable for all those Calamities that shall ensue upon it: which as yet, by God's Providence, may be timely prevented. But be that stills the raging of the Sea, will undoubtedly set Bounds to this overflowing Greatness: having now, (as an Earnest of that Mercy) put it into the Hearts of our Superiours to provide seasonably for the Common Safety, and in proportion also to the Exigence of the Affair; knowing very well, that things of this Nature are not to be done by halves.

We have to do with a Nation of a large Territory; abounding in Men and Money; their Dominion is grown absolute, that no Man there can call any thing his own, if the Court says *Nay* to't. So that the sober and industrious part, are only Slaves to the Lusts and Ambition of the Military. In this Condition of Servitude, they feel already what their Neighbours fear, and wish as well to any Opportunity, either of avoiding, or of casting off the Yoke: which will easily be given by a Conjunction of *England* and *Holland* at Sea: and almost infallibly produce these effects: *First*, It will draw off the Naval Force of *France* from *Sicily*, *America*, and else-where, to attend this Expedition. *Secondly*, The Diversion will be an Ease to the *Empire* and the *Confederates*, from whence more Troops must be drawn to encounter this Difficulty, than the *French* can well spare. *Thirdly*, It will not only encourage those Princes and States that are already engag'd, but likewise keep in awe those that are disaffected, and confirm those that waver.

'Tis true, this War must needs be prodigiously expensive; but then in probability it will be short: And in Cases of this Quality, People must do as in a Storm at Sea, rather throw part of the Lading over-board, than found the Vessel. I do not speak this, as supposing any difficulty in the Case, for the very contemplation of it has put fire into the Veins of every true *English-man*; and they are moved as by a sacred impulse, to the necessary, and the only means of their Preservation. And that which Crowns our hopes, is, that these generous Inclinations are only ready to execute what the

the Wisdom of their Superiours shall find reasonable to Command. I need not tell you how jealous the People of *England* are of their Religion and Liberties ; to what degree they have contended, even for the shadow of these Interests ; nor how much Blood and Treasure they have spent upon the Quarrel. Could any Imposture work so much ; and can any Man imagine that they will be now less sensible, when they see before their eyes a manifest Plot upon their Religion ; their Liberties invaded, their Traffick interrupted ; the Honour, and the very Being of their Country at stake ; their Wives and Children expos'd to Beggary and Scorn ; and in Conclusion, *The Priviledge of a Free-born English-man exchanged for the Vassalage of France ?*

*An ANSWER to a LETTER written by a Member of Parliament in the Country, upon the occasion of his Reading of the Gazette of the 11th of December, 1679 ; wherein is the Proclamation for further Pro-roguing the Parliament, till the 11th of November next ensuing.*

S I R,

I Received your Letter, when I was engaged in much other business, which will excuse me that I have not returned an Answer sooner, and that is done no better now : You desire me to let you know what that Judgment is which my Lord Chancellor acquainted my Lord Mayor and his Brethren with, and what my thoughts are upon it : And that I may obey you in both, I will first Transcribe that Case, as it is reported by Justice *Crook*, that being already put into *English*, whereas the Case in *Moor* is in *French*.

**M**Emorandum, That by Command from the King, all the Justices of *England*, with divers of the Nobility, viz. The Lord *Ellesmere* Lord-Chancellor, the Earl of *Dorset* Lord-Treasurer, Viscount *Cranbourn* Principal Secretary, the Earl of *Nottingham* Lord Admiral, the Earls of *Northumberland*, *Worcester*, *Devon*, and *Northampton*, the Lords *Zouch*, *Burghey*, and *Knowles*, the Chancellor of the *Dutchy*, the Arch-bishop of *Canterbury*, the Bishop of *London*, *Popham* Chief Justice, *Bruce* Masters of the Rolls, *Anderson*, *Gawdy*, *Walmsley*, *Fenner*, *Kingmil*, *Warburton*, *Savel*, *Daniel*, *Telverton* and *Snigg*, were assembled in the *Star-Chamber*, where the Lord Chancellor, after a long Speech made by him concerning Justices of the Peace, and his Exhortation to the Justices of Assize, and a Discourse concerning Papists and Puritans, declaring how they both were Disturbers of the State, and that the King intending to suppress them, and to have the Laws put in execution against them ; demanded of the Justices their Resolutions in three things : First, Whether the Deprivation of Puritan-Ministers by the High Commissioners, for refusing to conform themselves to the Ceremonies appointed by the last Canons, was lawful ? Whereunto all the Justices answered, That they had conferred thereof before, and held it to be lawful, because the King hath the Supreme Ecclesiastical Power, which he hath delegated to the Commissioners, whereby they had the Power of Deprivation by the Canon-Law of the Realm. And the Statute of 1 *Eliz.* which appoints Commissioners to be made by the Queen, doth not confer any new Power, but explain and declare the Ancient Power. And therefore they held it clear, That the King without Parliament might make Orders and Constitutions for the Government of the Clergy, and might deprive them if they obeyed not. And so the Commissioners might deprive them. But they could not make any Constitutions without the King : And the divulging of such Ordinances by Proclamation is a most gracious Admonition : And forasmuch as they have refused to obey, they are lawfully deprived by the Commissioners *ex Officio*, without Libel *Et ore tenus convocati*. Secondly, Whether a Prohibition be

*Cro. Ja. f. 37.  
Nov. 100.  
Moor 755.*

grantable



grantable against the Commissioners upon the Statute of 2 H. 5. if they do not deliver the Copy of the Libel to the Party ; Whereunto they all answered, That that Statute is intended where the Ecclesiastical Judge proceeds *ex Officio & ore tenus*. Thirdly, Whether it were an Offence punishable, and what Punishment they deserved, who framed Petitions, and collected a multitude of hands thereto, to prefer to the King in a publick cause, as the Puritans had done, with an intimation to the King, That if he denied their Sute, many thousands of his Subjects would be discontented ? Whereunto all the Justices answered, That it was an Offence finable at Discretion, and very near to *Treason and Felony in the Punishment* : For they tended to the raising of Sedition, Rebellion, and Discontent among the People : To which Resolution all the Lords agreed. And then many of the Lords declared, That some of the Puritans had raised a false Rumor of the King, how he intended to grant a Toleration to Papists : Which Offence the Justices conceived to be heinously finable by the Rules of the Common Law, either in the Kings Bench, or by the King and his Council ; or now since the Statute of 3 H. 7. in the Star-Chamber. And the Lords severally declared how the King was discontented with the said false Rumor, and had made but the Day before a Protestation unto them, that he never intended it, and that he would spend the last drop of Blood in his Body before he would do it ; and prayed, that before any of his Issue should maintain any other Religion than what he truly professed and maintained, that God would take them out of the World.

I doubt not but yourself, and every English Protestant, will joyn with this Royal Petitioner, and will heartily say *Amen*.

But you desire to know if I think the Resolution of the Judges in this case ought to deter us from humbly Petitioning his Majesty, that this Parliament may effectually sit on the 26th. day of January next. In order to this, give me leave to observe to you, As it is most certain, that a great Reverence is due to the Unanimous Opinion of all the Judges, so there is a great difference to be put between the Authority of their Judgments when solemnly given in Cases depending before them, and their sudden and extrajudicial Opinions. The Case of Ship-money it self, is not a better proof of this, than that which you have now read, as you will now see, if you consider distinctly what they say to the several Questions proposed to them.

As to their Answer to the first Question, it much concerns the Reverend Clergy to enquire whether they did not mistake in it ? And whether the King by his Proclamation, can make new constitutions, and oblige them to obedience under the Penalty of Deprivation ? Should it be so, and should this unhappy Kingdom ever suffer under the Reign of a Popish Prince, he might easily rid himself of such obstinate Hereticks, and leave his Ecclesiastical Preferments open for Men of better Principles : He will need only to publish a Proclamation, that Spittle and Salt should be used in Baptism, that Holy-water should be used, and Images set up in Churches ; and a few more such things as these, and the Business were effectually done. But if you will believe my Lord Chief Justice Cook, he will tell you that it was agreed by all the Judges upon Debate. *Hill. 4to Jacobi*, that the King cannot change his Ecclesiastical Law ; and you may easily remember since the whole Parliament declared, That he could not alter or suspend them.

12. Co. 19.  
12. Co. 49.

Co. Mag. Char.  
616.

I have the uniform Opinion of all the Judges given upon great Deliberation, *Mich. 4to. Jac.* to justify me, if I say that our Judges here were utterly mistaken in the Answer which they gave to the second Question, I will not cite the numerous subsequent Authorities, since every man knows that it is the constant practice of *Westminster-Hall* at this Day to grant Prohibitions, upon refusal to give a Copy of Articles, where the Proceedings in the Ecclesiastical Courts are *ex Officio*.

You see there was a kind of ill Fate upon the Judges this day, as usually there was when met in the Star-chamber, and that they were very unfortunate in answering two of the three Questions proposed to them ; let us go on to consider what does principally concern us at present, their Answer to the last Question.

You have just done reading it, and therefore I need not repeat to you either the Doubt or the Solution of it ; but one may be allowed to say modestly, that it was a sudden Answer : 'Tis possible the Lords then present were well enough inform'd, when they were told that such kind of Petitioning was an Offence next to *Treason and Felony* ; but I dare be so bold as to say, That at this Day, not a Lawyer in *England* would be the wiser for such an Answer ; they would be confounded, and not know whether it were *Misprision of Treason*, which seems an Offence nearest to *Treason*, or *Petty-larceny*, which seems nearest to *Felony*.

You will be apt to tell me that I mistake my Lords the Judges, and they spoke not of the nature of the crime, but the manner of the Punishment ; but this will mend the matter

matter but little; for since the Punishments of those two Crimes are so very different, you are still as much in the dark as ever, what these ambiguous words mean.

Well, but we will agree, that the Crime about which the Enquiry was made, was a very great one. When Men arrive to such Insolence, as to threaten their Prince, it will be but little excuse to them to call their Menaces, by the soft and gentle Name of Petitions.

But you would know for what, and in what manner we are at present to Petition; and I will give you a plain and infallible Rule. It is the Statute 13 Car. 2. c. 5.

13 Car. 2. c. 5

Be it enacted, &c. that no person or persons whatsoever, shall solicit, labour, or procure the getting of hands, or other consent of any persons above the number of twenty, or more, to any Petition, Complaint, Remonstrance, Declaration, or other Addresses to the King, or both, or either Houses of Parliament, for alteration of matters established by Law in Church or State, unless the matter thereof have been first consented to, and ordered by three or more Justices of the County, or by the major part of the Grand Jury of the County, or Division of the County, where the same matter shall arise at their publick Assizes, or General Quarter-Sessions, or if arising in London, by the Lord Mayor, Aldermen, and Commons in Common Council assembled; and that no person or persons whatsoever shall repair to His Majesty, or both, or either of the Houses of Parliament, upon Pretence of presenting or delivering any Petition, Complaint, Remonstrance, or Declaration, or other Addresses, accompanied with excessive Number of People, not at any one time with above the Number of ten Persons, upon the Pain of incurring a Penalty, not exceeding the Sum of 100 l. in Money, and Three Months Imprisonment, without Bail or Mainprize for every Offence; which Offence to be prosecuted at the Court of Kings-bench, or at the Assizes, or general Quarter-Sessions, within six Months after the Offence committed, and proved by two or more credible Witnesses.

Here you observe the Parliament, who set themselves directly to obviate all the Inconveniences which might arise to the Government from tumultuous petitioning, will not allow that great Numbers should joyn in Petitions, for alteration of the Laws (because it is possible ill Men should abuse such Liberty) unless the matter of the Petition be consented to in such a manner as the Act directs; but in all other Cases, they leave the Subjects to their undoubted Liberty, as well knowing that from thence there could arise no possible Inconvenience; but on the contrary, that to bar the People of that humble way of making their Wants known, might force them upon worse ways of doing it.

And therefore I must tell you, that you do my Lord Chancellor great Injustice if you think his Speech tends to deter Men from all manner of petitioning: No, that wise and

eloquent Lord, who receives every day so many Petitions, will I suppose be content the King should receive some too. It never yet was thought \* seditious or tumultuous in any Government, for the Subjects in an humble manner to beg, That he who has the only Power to do it, would redress their Grievances: 'Tis the way by which we apply our selves to the King of Heaven, who knows all our Wants, and yet expects from us that we should daily express them to him in humble Petitions. And the Wisdom of the Church, which has appointed Liturgies, and Forms of Common-Prayer seems to instruct us, that God is pleased when huge Numbers joyn in the same Petition. Why should not then suppliant Subjects, with like Humility, and in like manner address themselves to the God on Earth? Especially since Kings cannot know our Desires, or our Grievances, till we our selves inform them what they are. I remember some wicked Councillors of *Darins* did once obtain a Law to be made, that none should Petition any one but the King for thirty Days; but there never yet was found so absurd a States-man as to advise a Law, that Subjects should not supplicate their Prince. 'Tis probable it would be well for some Favourites, who are near a King, if such a Right could be taken from the People; for then all their false Suggestions and Informations might pass undiscovered; but 'tis impossible that a King should long be safe in such a Condition. I will suppose a malicious States-man, intending to raise a Jealousie in the Mind of the Sovereign, should inform him in dangerous times, that he was not beloved by his People, and that he was not to trust them: How could the Subjects in such a Case recover the Prince's good Opinion, in the Absence of a Legal Representative, but by humble and affectionate Addresses? Or suppose some good Protestant Prince should be so unfortunate, as to have some Councillors near him who are conceal'd; and others, whose Crimes make them fear Parliaments; it is easie to sup-

\* It is the Right of all People that apprehend themselves aggrieved to approach his Majesty by Petition. Mr. Finch's Argument in the Trial of the Seven Bishops. f. 105. The Subjects have a Right to Petition the King in all their Grievances, so say all our Books of Law, and so says the Statute 13 Car. 2. Sergeant Leving in the same Trial fol. 121.

It was one Article against the Earl of Strafford, That he Issued out a Proclamation and Warrant of Restraint, to inhibit the Kings Subjects to come to the Fountain, their Sovereign, to deliver their Complaints of their Wrongs and Oppressions. *Rushw.* in his Trial 721.

pose, that the one sort will be filling his Ears with Stories, that a great part of his Kingdom are inclined to Popery; and the other sort, that the best of his Subjects are quite out of Love with Parliaments, as factious and seditious Assemblies. Into what unfortunate Circumstances, would such a Prince be apt to fall, if his People were percluded from Addressing themselves, and opening their Desires to him!

I might go on to trouble you with infinite Instances of this Nature, but there is no want of any in so plain a case: 'Tis the Doctrine of our Church, that the only Arms of Subjects, are Prayers, Petitions, Supplications and Tears; and they are no Friends either to the King or Church, who would disarm us of these. My Lord Chief Justice *Hobbs* tell us, That it is lawful for any Subject to petition to the King for Redress in an humble and modest manner; for (says he) Access to the Sovereign must not be shut up in case of the Subjects Distresses. It was one of the Crimes for which the *Spencers* were banished by Parliament, that they hindered the King from receiving and answering Petitions from great Men, and others.

*Hob. 220.*  
*Wrenthams*  
*Cafe.*  
*Vet. Magn.*  
*Chart. Exil.*  
*Hugh De Spen-*  
*cer. 51.*

Be the Right of the Subject never so clear, manifest and acknowledged by all; yet if his own be detained from him by the King, he hath no other Writ or Account to recover, but a mere Petition, *Supplicare Celsitudini, &c.* A Learned Judge's Argument about Impositions. Printed, 1641. p. 26.

And as it is our unquestionable Right, so in all Ages the Usage has been by Petition, to inform our King of our Grievances. In the Reign of King *Ed. 2.* and *Ed. 3.* Petitions were frequent for Redress of publick Grievances, and for Parliaments, especially out of Ireland (though that is a conquer'd Nation) as may be seen in the close Rolls of the Reigns of those two Kings. One Instance I will give you for your Satisfaction, but I will tire you with no more, for that would be endless.

*Claus. 10. E. 2.*  
*M. 28. intus*  
*Pro communi-*  
*tate Hibernia.*

'Tis *Claus. 10. Ed. 2. M. 28. Intus pro Communitate Hibernia. Rex Dilect. & fideliter suis Justa Cancellar. & Thesaur. suis Hib. salutem ex parte populi nostri terrae praedict. per Petitionem suam coram nobis & Concilio nostro exhibitum nobis est cum instantia supplicari, quod cum, &c.*

*Cooks Juris-*  
*dition of*  
*Courts p. 79.*  
*Burghs History*  
*of the Re-*  
*formation.*  
*Pag. 231.*  
*Procl. Dat. 7.*  
*Feb. 11. Jac.*

In the 5th. year of King *Richard the II.* the whole Body of the Realm petition'd, that the most wise and able men within the Realm might be chosen Chancellors.

King *Henry the 8.* told his Subjects then in Arms against him in *York-shire*, that they ought not to have rebell'd, but to have applied themselves to him by Petition.

King *James* by a Proclamation publisht in the 12th. year of his Reign, begins thus: 'The Complaints lately exhibited to us by certain Noblemen, and others of our Kingdom of Ireland, suggesting Disorders and Abuses, as well in the Proceedings of the late begun Parliament, as in the Martial and Civil Government of the Kingdom, We did receive with extraordinary Grace and Favour.

*Procl. 12 Jac.*

And by another Proclamation in the 12th. year of his Reign, he declares, That it was the Right of his Subjects to make their immediate Addressees to him by Petition; and in the 19th. year of his Reign he invites his Subjects to it.

*Procl. Dat.*  
*10 July 19.*  
*Jac.*  
*Procl. Cat.*  
*14. Feb. 20.*  
*Jac.*

And in the 20th. year of his Reign, he tells his People, that his own, and the Ears of his Privy Council did still continue open to the just Complaints of his People; and that they were not confined to Times and Meetings in Parliament, nor restrained to particular Grievances; nor doubting but that his loving Subjects would apply themselves to his Majesty for Relief; to the utter abolishing of all those private whisperings and causeless Rumors, which without giving his Majesty any Opportunity of Reformation by particular knowledge of any Fault, serve to no other purpose but to occasion and blow abroad Discontentment.

*Lords Journ.*  
*Anno 1640.*

It appears, that the House of Lords both Spiritual and Temporal, *Nemine contradicente*, Voted Thanks to those Lords who Petitioned the King at *York*, to call a Parliament.

*Declar. 1644.*

And the King by his Declaration Printed in the same year, declares his Royal Will and Pleasure, That all his Loving Subjects who have any just cause to present or complain of any Grievances or Oppressions, may freely Address themselves by their humble Petitions to his Sacred Majesty, who will graciously hear their Complaints.

*Temp. Car. 2.*

Since his Majesty's happy Restauration, the Inhabitants of the County of *Bucks* made a Petition, That their County might not be over-run by the Kings Deer; and the same was done by the County of *Surrey* on the same Occasion.

'Tis time for me to conclude your trouble: I suppose you do no longer doubt but that you may joyn in Petition for a Parliament, since you see it has been often done heretofore: nor need you fear how many of your honest Countrey-men joyn with you, since you hear of Petitions by the whole Body of the Realm; and since you see, both by the Opinions of our Lawyers, by the Doctrine of our Church, and by the Declarations of our Kings, That it is our undoubted Right to Petition. Nothing can be more absurd



absurd than to say, That the number of the Supplicants makes an innocent Petition an Offence; on the contrary, if in a thing of this Publick concernment, a few only should address themselves to the King, it would be a thing in it self ridiculous; the great end of such Addresses being to acquaint him with the general desires of his People, which can never be done unless multitudes joyn. How can the Complaints of the diffusive Body of the Realm reach his Majesty's Ears in the absence of a Parliament, but in the actual concurrence of every individual Person in Petition? for the personal application of multitudes, is indeed unlawful and dangerous.

Give me leave, since the *Gazette* runs so much in your mind, to tell you (as I may modestly enough do, since the Statute directs me) what answer the Judges would now give if such another Case were put to them, as was put to the Judges 2 Jacobi. Stat. 13. Car. 2. c. 5.

Suppose the Nonconformists at this day (as the Puritans then did) should sollicite the getting of the hands of Multitudes to a Petition to the King for suspending the Execution of the Penal Laws against themselves; the present Judges would not tell you that this was an Offence next to Treason or Felony, nor that the Offenders were to be brought to the Council-board to be punished; but they would tell you plainly and distinctly, That if the hands of more Persons than twenty were solicited or procured to such a Petition, and the Offenders were convicted upon the Evidence of two or more credible Witnesses upon a Prosecution in the Kings-bench, or at the Assizes or Quarter Sessions, within six Months, they would incur a Penalty not exceeding a 100 l. and three Months Imprisonment, because their Petition was to change a matter established by Law. But I am sure you are a better Logician than not to see the difference which the Statute makes between such a Petition which is to alter a thing established by Law, and an innocent and humble Petition. That a Parliament may meet according to Law, in a time when the greatest Dangers hang over the King, the Church, and the State.

## The Right Honourable the Earl of Shaftsbury's Speech in the House of Lords, March 25. 1679.

My Lords,

**Y**OU are appointing of the Consideration of the State of *England* to be taken up in a Committee of the whole House, some day next Week. I do not know how well what I have to say may be received, for I never study either to make my Court well, or to be Popular; I always speak what I am commanded by the Dictates of the Spirit within me.

There are some other Considerations that concern *England* so nearly, that without them you will come far short of Safety and Quiet at Home: *We have a little Sister, and she hath no Breasts, what shall we do for our Sister in the day when she shall be spoken for? If she be a Wall, we will build on her a Palace of Silver, if she be a Door, we will inclose her with Boards of Cedar.* We have several little Sisters without Breasts, the French Protestant Churches, the two Kingdoms of *Ireland* and *Scotland*; The Foreign Protestants are a Wall, the only Wall and Defence to *England*; upon it you may build Palaces of Silver, glorious Palaces. The Protection of the Protestants abroad, is the greatest Power and Security the Crown of *England* can attain to, and which can only help us to give Check to the growing Greatness of *France*. *Scotland* and *Ireland* are two Doors, either to let in Good or Mischief upon us; they are much weakened by the Artifice of our cunning Enemies, and we ought to inclose them with Boards of Cedar.

*Popery* and *Slavery*, like two Sisters, go hand in hand, sometimes one goes first, sometimes the other in a doors, but the other is always following close at hand.

In *England*, *Popery* was to have brought in *Slavery*; in *Scotland*, *Slavery* went before, and *Popery* was to follow.

I do not think your Lordships or the Parliament have Jurisdiction there. It is a Noble and Ancient Kingdom; they have an illustrious Nobility, a Gallant Gentry, a Learned Clergy, and an Understanding, Worthy People; but yet we cannot think of *England* as we ought, without reflecting on the Condition therein. They are under the same Prince, and the Influence of the same Favourites and Councils; when they

they are hardly dealt with, can we that are the Richer expect better usage? for 'tis certain, that in all Absolute Governments, the poorest Countreys are always most favourably dealt with.

When the Ancient Nobility and Gentry there cannot enjoy their Royalties, their Shirevaldoms, and their Stewardaries which they and their Ancestors have possessed for several hundreds of years; but that now they are enjoyed by the Lords of the Council to make Deputations of their Authorities to such as are their known Enemies.

Can we expect to enjoy our *Magna Charta* long under the same Persons, and Administration of Affairs? If the Council-Table there can Imprison any Nobleman or Gentleman for several years, without bringing him to Trial, or giving the least Reason for what they do; can we expect the same Men will preserve the Liberty of the Subject here?

I will acknowledge, I am not well vers'd in the particular Laws of *Scotland*; but this I do know, that all the *Notthern* Countries have, by their Laws an undoubted and inviolable Right to their Liberties and Properties; yet *Scotland* hath out-done all the *Eastern* and *Southern* Countries, in having their Lives, Liberties and Estates subjected to the Arbitrary Will and Pleasure of those that Govern. They have lately plundered and harraised the richest and wealthiest Countries of that Kingdom, and brought down the Barbarous *Highlanders* to devour them; and all this without almost a colourable Pretence to do it: Nor can there be found a Reason of State for what they have done; but that those wicked Ministers designed to procure a Rebellion at any Rate, which as they managed, was only prevented by the miraculous Hand of God, or otherwise all the Papists in *England* would have been Armed, and the fairest Opportunity given in the just time for the Execution of that Wicked and Bloudy Design the Papists had; and it is not possible for any Man that duly considers it, to think other, but that those Ministers that Acted that, were as guilty of the Plot, as any of the Lords that are in question for it.

My Lords, I am forced to speak this the plainer, because, till the Pressure be fully and clearly taken off from *Scotland*, 'tis not possible for me, or any Thinking Man to believe that Good is meant us here.

We must still be upon our Guard, apprehending that the Principle is not changed at Court, and that these Men that are still in Place and Authority, have that Influence upon the Mind of our Excellent Prince, that he is not, nor cannot be that to us, that his own Nature and Goodness would incline him to.

I know your Lordships can order nothing in this, but there are those that hear me, can put a perfect Cure to it; until that be done, the *Scottish Weed* is like Death in the Por, *Mors in Olla*; But there is something too, now I consider, that most immediately concerns us; their Act of Twenty two thousand Men to be ready to invade us upon all Occasions. This, I hear, that the Lords of the Council there have created as they do all other Laws, and expounded it into a standing Army of Six thousand Men. I am sure we have Reason and Right to beseech the King that that Act may be better considered in the next Parliament there. I shall say no more for *Scotland* at this time, I am afraid your Lordships will think I have said too much, having no concern there; But if a *French* Noble-Man should come to dwell in my House and Family, I should think it concern'd me to ask what he did in *France*: for if he were there a Felon, a Rogue, a Plunderer, I should desire him to live elsewhere; and I hope your Lordships will do the same thing for the Nation, if you find the same cause.

My Lords, give me leave to speak two or three Words concerning our other Sister *Ireland*: thither, I hear, is sent *Douglas's* Regiment, to secure us against the *French*. Besides, I am credibly informed, that the Papists have their Arms restored, and the Protestants are not many of them yet recovered from being the suspected Party; the Sea-Towns as well as the In-land, are full of Papists: That Kingdom cannot long continue in the *English* Hands, if some better Care be not taken of it. This is in your Power, and there is nothing there, but is under your Laws; therefore I beg that this Kingdom at least may be taken in consideration, together with the State of *England*: For I am sure there can be no Safety here, if these Doors be not shut up and made sure.

THE  
INSTRUMENT  
OR  
**Writing of Association,**  
THAT THE  
True Protestants of ENGLAND entred into,  
IN THE  
Reign of Q. Elizabeth.

**F**Orasmuch as Almighty God hath Ordained *Kings, Queens and Princes*, to have Dominion and Rule over all their Subjects, and to preserve them in the Possession and Observation of the true Christian Religion, according to his holy Word and Commandment : And in like sort, that all Subjects should *Love, Fear and Obey* their Sovereign Princes, being *Kings or Queens*, to the utmost of their Power ; at all times to withstand, pursue and suppress all manner of Persons that shall by any means intend and attempt any thing dangerous or hurtful to the Honour, States, or Persons of their Sovereigns.

Therefore we whose Names are or shall be subscribed to this Writing, *being Natural Born Subjects of this Realm of England*, and having so gracious a Lady, our Sovereign *Elizabeth*, by the Ordinance of God, our most rightful Queen, Reigning over us these many Years with great Felicity, to our inestimable Comfort : And finding lately by divers *Depositions, Confessions, and sundry Advertisements out of Foreign Parts from credible Persons*, well known to her Majesties Council and to divers others ; That for the furtherance and Advancement of some pretended Title to the Crown, it hath been manifested that the Life of our gracious Sovereign Lady Queen *Elizabeth*, hath been most dangerously to the Peril of her Person ; if Almighty God her perpetual Defender, of his Mercy had not revealed and withstood the same. By whose Life we and all other her Majesties True and Loyal Subjects, do enjoy an inestimable benefit of Peace in this Land ; do for the Reasons and Causes before alledged not only acknowledge our selves most justly bound with our Lives and Goods for her Defence, in her Safety, to persecute, suppress and withstand all such Intenders, and all other her Enemies, of what Nation, Condition and Degree whatsoever they shall be, or by what Council or Title they shall pretend to be her Enemies, or to attempt any Harm upon her Person ; but do further think it our bounden Duties for the great Benefit of Peace, Wealth, and Godly Government, we have more plentifully received these many Years, under her Majesties Government, then any of our Forefathers have done in any longer time of any other Progenitors, Kings of this Realm.

Do declare, and by this Writing make manifest, our bounden Duties to our said Sovereign Lady, for her Safety. And to that end, *We, and every of us, First Calling to Witness the Name of Almighty God, do Voluntarily and most willingly bind our selves, every one of us to the other, jointly and severally in the Band of one Firm and Loyal Society. And do hereby Vow and Promise by the MAJESTY OF ALMIGHTY GOD, That with our whole Powers, Bodies, Lives and Goods, and with our Children and Servants, We,*

U

and



and every of us, will faithfully serve and humbly obey our said Sovereign Lady Queen Elizabeth, against all States, Dignities and Earthly Powers whatsoever; and will as well with our joynt and particular Forces during our Lives, withstand, offend, and pursue, as well by Force of Arms, as by all other means of Revenge; all manner of Persons of what State soever they shall be, and their Abettors, that shall attempt any Act, Council, or Consent to any thing that shall tend to the Harm of her Majesties Royal Person, and will never desist from all manner of forcible Pursuits against such Persons, to the utter Extermination of them, their Counsellors, Aiders and Abettors.

And if any such wicked Attempt against her most Royal Person, shall be taken in hand, or procured, whereby any that have, may or shall pretend Title to come to this Crown, by the untimely Death of her Majesty so wickedly procured (which God for his Mercy sake forbid) may be avenged; We do not only bind our selves both joyntly and severally never to Allow, Accept, or Favour any such pretended Successor by whom, or for whom any such detestable Act shall be Attempted or Committed, as unworthy of all Government in any Christian Realm or Civil State.

But do also further Vow and Protest as we are most bound, and that in the Presence of the Eternal and Everlasting God, to Prosecute such Person and Persons to Death with our joynt or particular Forces, and to ask the utmost Revenge upon them that by any means we or any of us can devise and do, or cause to be devised and done for their utter Overthrow and Extirpation.

And to the better Corroboration of this our Loyal Band and Association, We do also testify by this Writing, that we do confirm the Contents hereof by our Oaths corporally taken upon the Holy Evangelist, with this expresse Condition; That no one of us shall for any respect of Persons or Causes, or for Fear or Reward, separate our selves from this Association, or fail in the Prosecution thereof, during our Lives, upon pain of being by the rest of us prosecuted, and suppressd as perjur'd Persons, and as Publick Enemies to God, our Queen, and to our Native Country. To which Punishment and Pains we do voluntarily submit our selves, and every of us, without Benefit of any Colour or Pretence.

In Witness of all which Premises to be inviolably kept, we do to this Writing put our Hands and Seals; and shall be most ready to accept and admit any other hereafter, to this Society and Association.

### *The ACT of Parliament of the 27th of Queen Elizabeth in Confirmation of the same.*

**F**Orasmuch as the good Felicity and Comfort of the whole Estate of this Realm consisteth (only next under God) in the Surety and Preservation of the Queens most excellent Majesty: And for that it hath manifestly appeared, that sundry wicked Plots and Means have of late been devised and laid as well in Foreign Parts beyond the Seas, as also within this Realm, to the great indangering of his Highness most Royal Person, and to the utter Ruine of the whole Commonweal, if by Gods merciful Providence the same had not been revealed: Therefore for preventing of such great Perils as might hereafter otherwise grow, by the like detestable and devilish Practices, at the humble Suit and earnest Petition and Desire of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same Parliament, Be it Enacted and Ordained, if at any Time after the end of this present Session of Parliament, any open Invasion or Rebellion shall be had or made, into or within any of Her Majesties Realms or Dominions, or any Act attempted, tending to the hurt of her Majesties most Royal Person by or for any Person, that shall or may pretend any Title to the Crown of this Realm, after her Majesties Decease: or if any thing shall be compassed or imagined, tending to the hurt of her Majesties Royal Person, by any person or with the Privy of any person that shall or may pretend Title to the Crown of this Realm; that then by Her Majesties Commission under Her Great Seal, the Lords and other of Her Highness Privy Council, and such other Lords of Parliament to be Named by her Majesty, as with the said Privy Council shall make up the Number of Four and twenty at the least, going with them for their Assistance in that behalf such of the Judges of the Courts of Record

Record at *Westminster*, as Her Highness shall for that purpose assign and appoint, or the more part of the same Council, Lords and Judges, shall by virtue of the Act, have Authority to examine all and every the Offences aforesaid, and all Circumstances thereof, and thereupon to give Sentence or Judgment, as upon good proof the matter shall appear unto them : And that after such Sentence or Judgment given, and Declaration thereof made and published by Her Majesties Proclamation under the Great Seal of *England*, all persons against whom such Sentence or Judgment shall be so given and published, shall be *excluded and disabled for ever* to have or claim, or to pretend to have or claim the Crown of this Realm, or of any Her Majesties Dominions, any former Law or Statute whatsoever to the contrary in any wise notwithstanding : And that thereupon *All Her Highness Subjects* shall and may lawfully by virtue of this Act, and Her Majesties Direction in that behalf, by forcible and possible means pursue to Death every such wicked person, by whom or by whose means assent or privy, any such Invasion or Rebellion shall be in Form aforesaid denounced to have been made, or such wicked Act attempted, or other thing compassed or imagined against Her Majesties Person, and all their Aiders, Comforters and Abettors.

And if any such detestible Act shall be Executed against her Highness most Royal Person, whereby Her Majesties Life shall be taken away (which God of his great mercy forbid : ) that then every such person, by or for whom any such Act shall be executed, and their Issues being any wise assenting or privy to the same, shall by virtue of this Act be excluded and disabled for ever to have or claim, or pretend to have or claim the said Crown of this Realm or of any other Her Highness Dominions, any former Law or Statute whatsoever to the contrary in any wise notwithstanding. And that all the Subjects of this Realm, and all other Her Majesties Dominions, shall and may lawfully by virtue of this Act, by all forcible and possible means pursue to Death every such wicked Person, by whom or by whose means, any such detestible Act shall be in Form hereafter expressed denounced to have been committed, and also their Issues being any way assenting or privy to the same, and all their Aiders, Comforters, and Abettors in that behalf.

And to the end that the intention of this Law may be effectually Executed, if Her Majesties Life shall be taken away by any violent or unnatural means ( which God defend : ) Be it further Enacted by the Authority aforesaid, That the Lords and others which shall be of Her Majesties Privy Council at the time of such Her Decease, or the more part of the same Council, joyning unto them for their better Assistance five other Earls, and seven other Lords of Parliament at the least, (foreseeing that none of the said Earls, Lords or Council be known to be persons that may make any Title to the Crown,) those persons which were Chief Justices of either Bench, Master of the Rolls, and Chief Baron of the Exchequer at the time of Her Majesties Death, or in Default of the said Justices, Master of the Rolls, and Chief Baron, some other of those which were Justices of some of the Courts of Records at *Westminster*, at the time of Her Highness Decease, to supply their Places or any Four and twenty or more of them, whereof Eight to be Lords of the Parliament, not being of the Privy Council, shall to the uttermost of their Power and Skill examine the cause and manner of such Her Majesties Death, and what persons shall be any way Guilty thereof, and all Circumstances concerning the same, according to the true meaning of this Act, and thereupon shall by open Proclamation publish the same, and without any delay by all forcible and possible means prosecute to Death, all their Aiders and Abettors : And for the doing thereof, and for the withstanding and suppressing of all such Power and Force, as shall any way be levied or stirred in Disturbance of the due Execution of this Law, shall by virtue of this Act, have Power and Authority not only to raise and use such Forces as shall in that behalf be needful and convenient, but also to use all other means and things possible and necessary for the maintenance of the same Forces, and prosecution of the said Offenders. And if any such Power and Force shall be levied or stirred in Disturbance of the due Execution of this Law, by any person that shall or may pretend any Title to the Crown of this Realm, whereby this Law may not in all things be fully Executed; according to the effect and true meaning of the same : That then every such person shall by virtue of this Act be therefore excluded and disabled for ever to have or claim, or to pretend to have or claim the Crown of this Realm, or of any other Her Highness Dominions, any former Law or Statute whatsoever to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, and all and every the Subjects of all Her Majesties Realms and Dominions, shall to the uttermost of their Power, aid and assist the said Council and all other the Lords and other Persons to be adjoined

joyned to them for Assistance, as is aforesaid, in all things to be done, and executed according to the effect and intention of this Law: And that no Subject of this Realm shall in any wise be impeached in Body, Lands or Goods, at any time hereafter for any thing to be done or executed according to the Tenour of the Law, any Law or Statute heretofore made to the contrary in any wise notwithstanding.

And whereas of late many of Her Majesties good and faithful Subjects have in the Name of God and with the Testimonies of good Consciences by one Uniform manner of Writing under their Hands and Seals, and by their several Oaths voluntarily taken, joyned themselves together in one Bond and Association to withstand and revenge to the uttermost all such malicious Actions and Attempts against Her Majesties most Royal Person: Now for the full Explaining of all such Ambiguities and Questions, as otherwise might happen to grow by reason of any sinister or wrong Construction or Interpretation to be made or inferred of or upon the words or meaning thereof, Be it Declared and Enacted by the Authority of this present Parliament, That the same Association and every Article and Sentence therein contained, as well concerning the Disallowing, Excluding or Disabling any Person that may or shall pretend any Title to come to the Crown of this Realm, as also for the pursuing and taking Revenge of any person for any such wicked Act or Attempt as is mentioned in the same Association; shall and ought to be in all things expounded and adjudged according to the true intent and meaning of this Act, and not otherwise, nor against any other person or persons.

## A Word without Doors concerning the BILL for S U C C E S S I O N .

S. I. R,

I AM very sensible of the great Honour you were pleas'd to do me in your Letter, which I received immediately after our late unhappy Dissolution; but could have wished you would have laid your Commands on some more able Person, to have given you Satisfaction in the matter you there propose relating to the Duke, who you seem to insinuate, was like (if the Parliament had continued) to have received his measure. I must ingeniously confess to you, I was not long since perfectly of your Opinion, and thought it the highest Injustice imaginable, for any Prince to be debar'd of his Native Right of Succession upon any pretence whatsoever. But upon a more mature Deliberation and Enquiry, I found my Error proceeded principally from the false Notions I had took up of Government it self, and from my Ignorance of the Practices of all Communities of Men in all Ages, whenever Self-preservation and Necessity of their Affairs oblig'd them to declare their Opinion in Cases of the like Nature: To the knowledge of all which, the following Accident I shall relate to you, did very much contribute.

My Occasions obliging me one day to attend the coming of a Friend in a Coffee-house near Charing-Cross, there happened to sit at the same Table with me Two Ingenious Gentlemen; who according to the Frankness of Conversation now used in the Town, began a Discourse on the same Subject you desire to be more particularly inform'd in; and having Extolled the late House of Commons as the best number of Men that had ever sat within those Walls; and that no House had ever more vigorously maintained and asserted English Liberty and Protestant Religion, than they had done, as far as the nature of the things that came before them, and the Circumstances of time would admit (to all which I very readily and heartily assented; they then added, That the great Wisdom and Zeal of that House had appear'd in nothing more, than in Ordering a Bill to be brought in for debarring the Duke of Y. from inheriting the Crown: A Law they affirmed to be the most just and reasonable in the World, and the only proper Remedy to establish this Nation on a true and solid Interest, both Relation to the present and future Times.

To which I could not but Reply, That I begged their Pardon if I differed from them in Opinions, and did believe, that how honestly soever the House of Commons might intend in that matter, yet that the point of Succession was so Sacred a thing, and of so high a Nature, that it was not subjected to their Cognizance: That Monarchy was of Divine



**Divine Right :** That Princes succeeded by Nature and Generation only, and not by Authority, Admission, or Approbation of the People ; and consequently, that neither the Merit or Demerit of their Persons, nor the different influences from thence upon the People, were to be respected or had in consideration ; but the Common-wealth ought to obey and Submit to the next Heir, without any further Inquisition ; and if he proved a Worthy, Vertuous, and Just Prince, it was a great Happiness ; if Unjust, Barbarous, and Tyrannical, there was no other Remedy, but Prayer, Patience and an intire Submission to so difficult a Dispensation of Gods Providence.

I had no sooner ended my Discourse, but one of the Gentlemen (that was the most serious in the Company) seeing me a Young Man, gravely Replied ; That he could not but be extremely concerned to hear that such pernicious Notions against all lawful Government, had been taught in the World : That he believed they were in me purely the Effects of an University-Education ; and that it had been my Misfortune to have had a very high Church-man for my Tutor, who had endeavoured (as it was their constant Practice to all Young Gentlemen under their Care) to debauch me with such Principles as would enslave my mind to their Hierarchy, and the Monarchical part of the Government, without any Regard at all to the Aristocratical and Popular ; and that far Parsonages, Prebendships, Deanaries, and Episcopal Sees, were the certain and constant Rewards of such Services : That the Place we were in, was a little too Publick for Discourses of this Nature ; but if I would accept of a Bottle of Wine at the next Tavern, he would undertake to give me juster measures ; adding it was pity so hopeful a Gentleman should be tainted with bad Principles. My Friend coming in at the same Time, proved to be one of their particular Acquaintance ; and both he and I readily complied with so generous a motion.

We had no sooner drank a Glas round, but the Old Gentleman was pleased to renew his Discourse, and said it was undoubtedly true, that the inclination of Mankind to live in Company (from whence come Towns, Cities, and Common-wealths) did proceed of Nature, and consequently of God the Author of Nature : So likewise Government and the Jurisdiction of Magistrates in general (which does necessarily flow from the living together in Society) is also of Nature, and ordained by God for the common Good of Mankind ; but that the particular Species and Forms of this or that Government, in this or that manner ; To have many, few, or one Governour ; or that they should have this or that Authority, more or less, for a longer, or a shorter time ; or whether ordinarily by Succession or by Election : All these things (he said) are Ordained and Diversified by the particular positive Laws of every Country, and are not Establish'd either by Law Natural or Divine, but left by God unto every Nation and Country, to pitch upon what Form of Government they shall think most proper to promote the common good of the whole, and best adapted to the Natures, Constitutions, and other Circumstances of the People ; which accordingly for the same Reasons may be altered or amended in any of its parts, by the mutual Consent of the Governours and Governed, whenever they shall see reasonable cause so to do ; all which appears plainly, both from the diversity of Governments extant in the World, and by the same Nations living sometimes under one sort of Government, and sometimes under another. So we see God himself permitted his peculiar People the *Jews* to live under divers Forms of Government ; as First, under Patriarchs, then under Captains, then under Judges, then under High-Priests, next under Kings, and then under Captains and High-Priests again, until they were conquered by the *Romans*, who themselves also first lived under Kings, and then Consuls, whose Authority they afterwards limited by a Senate, by adding Tribunes of the People ; and in extraordinary Emergencies of the Commonwealth they were governed by Dictators, and last of all by Emperors. So that it's plain no Magistrate has his particular Government, or an Interest of Succession in it, by any Institution of Nature, but only by the particular Constitution of the Commonwealth within it self. And as the kinds of Government are different, so also are the measures of Power and Authority in the same kind, in different Countries.

I shall begin, (said he) with that of the *Roman* Empire, which though it be the first in Dignity among Christian Princes, yet it is so restrained and limited by the particular Laws of the Empire, that he can do much less in his State, than other Kings in theirs. He can neither make War, nor exact any Contribution of Men or Money, but by the Consent of all the States of the *German* Diet ; And as for his Children and Relations, they have no Interest or Pretence to succeed, but only by Election, if they shall be thought worthy. Nay, the chiefest Article the Emperour swears to keep at his Admission to that Honour, is, That he shall never endeavour to make the Dignity of the Empire Hereditary to his Family.

In *Spain* and in *France*, the Privileges of Kings are much more eminent, both in Power and Succession; their Authority is more absolute, every Order of theirs having the Validity of a Law, and their next of Blood does ordinarily inherit, though in a different manner. In *Spain* the next Heir cannot succeed but by the Approbation of the Nobility, Bishops, and States of the Realm. In *France* the Women are not admitted to succeed, let them be never so lineally descended. In *England* our Kings are much more limited and confined in their Power, than either of the two former; for here no Law can be made but by Consent and Authority of Parliament; and as to the Point of Succession, the next of kin is admitted, unless in extraordinary Cases, and when important Reason of State require an Alteration: And then the Parliaments of *England* (according to the ancient Laws and Statutes of the Realm) have frequently directed and appointed the Succession of the Crown in other manner than in courts it would have gone; of which I shall give you some Examples in Order.

But first let us look abroad, and see how things have been carried as to this Point in other Countries.

Amongst the *Jews* the Law of Succession did ordinarily hold; and accordingly *Rehoboam* the Lawful Son and Heir of *Solomon*, after his Fathers Decease, went to *Sichem* to be crowned and admitted by the People; and the whole Body of the People of *Israel* being there gathered together, did (before they would admit him their lawful King) make unto him certain propositions for taking away some heavy Taxes that had been imposed on them by his Father *Solomon*, which he refusing to gratifie them in, and following the Advice of Young Men, Ten of the twelve Tribes immediately chose *Jeroboam*, a Servant of *Rehoboam's*, a meer Stranger, and of mean Parentage, and made him their King; and God approved thereof, as the Scriptures in express Words do testifie: For when *Rehoboam* had raised an Army of One hundred and fourscore thousand Men, intending by force of Arms to have justified his Claim, God appeared unto *Semaiah*, and commanded him to go to *Rehoboam*, and to the House of *Jadab* and *Benjamin*, saying, *Return every man to his house, for this thing is of me, saith the Lord*: So that since God did permit and allow this in his own Commonwealth, which was to be the Pattern for all others, no doubt he will approve the same in other Kingdoms, whenever his Service and Glory, or the Happiness of the Weal-publick shall require it.

The next instance, I shall give you, shall be in *Spain*, where *Don Alonso de la Cerda* having been admitted Prince of *Spain* in his Father's Life-time (according to the Custom of that Realm) married *Blanche* Daughter of *Lewis* the First King of *France*, and had by her two Sons Named *Alonso* and *Hernando de la Cerda*; but their Father (who was only Prince) dying before *Alonso* the Ninth then King, he recommended them to the Realm as lawful Heirs apparent to the Crown: But *Don Sancho* their Fathers Younger Brother, who was a great Warriour, and surnamed *El Bravo*, was admitted Prince, and they put by, in their Grandfathers Life-time, by his and the States Consent; and this was done at a Parliament held at *Sagovia*, in the Year 1276. And in the Year 1284, (*Alonso* the Ninth being dead) *Don Sancho* was acknowledged King, and the Two Princes Imprisoned; but at the Mediation of *Philip* the Third, King of *France*, their Uncle, they were set free, and Endowed with considerable Revenues in Land, and from them do descend the Dukes *De Medina Celi* at this Day; and the present King of *Spain* that is in Possession, descendeth from *Don Sancho*.

In *France*, *Lewis* the Fourth, had Two Sons, *Lothairin*, who succeeded him, and *Charles* whom he made Duke of *Lorraine*. *Lothairin* dying, left an only Son named *Lewis*, who dying without Issue after he had reigned Two Years, the Crown was to have descended on his Uncle *Charles* Duke of *Lorraine*. But the States of *France* did exclude him, and chose *Hugo Capetus*, Earl of *Paris*, for their King; and in an Oration made by their Embassadour to *Charles* of *Lorraine*, did give an Account of their Reasons for so doing, as it is related by *Belforest* a French Historian, in these very words:

Every Man knoweth (Lord *Charles*) that the Succession of the Crown and Kingdom of *France*, according to the ordinary Rights and Laws of the same, belongeth unto you, and not unto *Hugh Capet* now our King: But yet the same Laws which do give unto you such Right of Succession, do judge you also unworthy of the same, for that you have not endeavoured hitherto to frame your Life according to the Prescript of those Laws, nor according to the Use and Custom of the Kingdom of *France*, but rather have allied your self with the Germans our old Enemies, and have accustomed your self to their vile and base Manners. Wherefore since you have abandoned and forsaken the ancient Virtue, Amity, and Sweetness of your Countrey, your Countrey has also abandoned and forsaken you; for we have chosen *Hugh Capet* for our King, and have put you by, and this without any Scruple in our Consciences at all; esteeming it far better

better and more just to live under Hugh Capet, the possessor of the Crown, with enjoying the ancient use of our Laws, Customs, Privileges, and Liberties, than under you the next Heir by Blood, in Oppressions, strange Customs, and Cruelty : For, as they who are to make a Voyage in a Ship on a dangerous Sea, do not so much respect whether the Pilot claims Title to the Ship or no, but rather, whether he be skilful, valiant, and like to bring them in safety to their ways end; even so our principal care is, to have a good Prince, to lead and guide us happily in this way of Civil and Politick Life; which is the end for which Princes are appointed. And with this Message ended his Succession and Life, he dying not long after in Prison.

And now I shall come home, and give you an Instance or two in England, since the Conquest, and so conclude.

*William Rufus*, second Son of *William the Conqueror*, by the assistance of *Lanfrank*, Archbishop of *Canterbury*, who had a great opinion of his Virtue and Probity, was admitted King by the consent of the Realm, his elder Brother *Robert Duke of Normandy* being then in the War at *Jerusalem*: *William* dying, his younger Brother *Henry*, by his ingenuity and fair carriage, and by the assistance of *Henry Earl of Warwick*, who had greatest interest in the Nobility, and *Maurice Bishop of London*, a leading-man amongst the Clergy, obtained also the Crown: And *Robert Duke of Normandy* was a second time excluded. And though this King *Henry* could pretend no other Title to the Crown than the Election and Admission of the Realm, yet he defended it so well, and God prosper'd him with success, that when his elder Brother *Robert* came to claim the Kingdom, by force of Arms, he beat him in a pitch'd-Battel, took him Prisoner, and so he died miserable in Bonds.

King *Henry* had one only Daughter, named *Maud*, or *Matilda*, who was married to the Emperor, and he dying without Issue, she was afterwards married to *Geoffry Plantagenet Earl of Anjou in France*, by whom she had a Son named *Henry*, whom his Grandfather declared Heir-apparent to the Crown in his Life-time; yet after his Death, *Henry* was excluded, and *Stephen Earl of Bulloine*, Son of *Adela*, Daughter of *William the Conqueror*, was by the States thought more fit to Govern than Prince *Henry*, who was then but a Child. And this was done by the perswasion of *Henry Bishop of Winchester*, and at the solicitation of the Abbot of *Glastenbury*, and others, who thought they might do the same lawfully, and with a good Conscience, for the publick Good of the Realm.

But the Event did not prove so well as they intended; for this occasioned great Factions and Divisions in the Kingdom; for the quieting of which, there was a Parliament held at *Wallingford*, which passed a Law, That *Stephen* should be King only during his Life, and that Prince *Henry* and his Off-spring should succeed him; and by the same Law debarred *William Son of King Stephen* from inheriting the Crown, and only made him Earl of *Norfolk*.

Thus did the Parliament dispose of the Crown in those days, which was in the year 1153, which sufficiently proves what I have asserted.

The sum of all I have said amounts to this: That Government in general is by the Law of Nature, and consequently the Ordinance of God; but that the different forms of Government, whether to reside in One, Few, or Many; or whether it shall be continued by Succession or by Election, together with the different measures and limitations of Power and Authority in Governours of the same kind in several Countries; all these things, I say, are ordained by, and purely depend upon positive and humane Laws: From whence it will necessarily follow, That the same human Authority (residing in King, Lords and Commons, here in England) which gave Being to those Laws for the good of the Community, is Superintendent over them, and both may and ought to make any Addition to, or Alteration of them, when the publick Good and Welfare of the Nation shall require it; unless you will admit, That an Human Authority establishing any thing intentionally, for the common good of the Society, which in tract of time, by reason of unforeseen circumstances and emergencies, proves destructive of it, has by that Act concluded it self, and made that accidental Evil moral and unchangeable, which to affirm is senseless and repugnant.

And now, Sir, I hope by this time (said the old Gentleman) you begin to think that the Bill for disabling the Duke, was not so unjust and unreasonable as was pretended; and that the course of Succession (being founded upon the same bottom with other Civil Constitutions) might likewise as justly have been altered by the King, Lords, and Commons, as any other Law or Custom whatever.

And here I might conclude; but because a late *Pensionary Pen* has publicly arraign'd the Wisdom, Loyalty, and Justice of the Honourable House of Commons, on the account of this Bill, I will *ex abundanti* add a word or two more to that particular.

Where-



Whereupon he pluck'd a Paper out of his Pocket, entituled, *Great and weighty Considerations relating to the Duke and Successor of the Crown, &c.* Which as soon as he had read unto us, You see here (said he) the true Temper of those men, of whom I first gave you caution: There never was an Endeavour (though in a Legal and Parliamentary way) after any Reformation either in Church or State, but the Proprietors of it were sure to be branded by them with the odious imputations of *Fanaticism* and *Faction*. Nay, if the Country-Electors of Parliament-men, will not pitch upon such Rake-hells of the Nation as are usually propos'd by them, but, on the contrary, make use of their Freedom and Consciences in chusing able, upright, and deserving persons; and if good men thus chosen, do but (according to their Duty in the House) enquire into publick Grievances, pursue in a legal course notorious Offenders, and consult and advise the Security of the Government and Protestant Religion, the high Church-man immediately swells, and in a passion tells you, That all this proceeds from the old *Phanatick Leven*, not yet worn out amongst the People; That we are going back again to Forty One, and acting over afresh the Sins of our Forefathers.

Thus ignorantly do they complement the Times and Persons they endeavour to expose, by appropriating to them such Virtues as were common to good men in all Ages. But enough of this.

In the next place, pray observe how hypocritically the *Considerer* puts this Question, *viz.*

*Whether Protestant Religion was not settled in this Nation by the same mighty hand of God, that establish'd Jeroboam in the Kingdom of Israel? [And then adds] Whether we (like that wicked King) should so far despair of God's Providence in preserving the work of his own Hands, as never to think it safe, unless it be establish'd on the Quick-sands of our own wicked Inventions? [viz. the Bill against the Duke.]*

And throughout his whole Discourse, he frequently calls all Care of preserving our Religion, a Mistrust of God's Providence; and on that score calls out to the Nation, *O ye of little Faith, &c.* Now I will allow him, That the least Evil is not to be done, that the greatest and most important Good may ensue: But that the Bill for disabling the Duke is highly justifiable both by the Laws of God and Constitution of our Government, I think, by my former Discourse, I have left no room to doubt: And the *Considerer* having scarce attempted to prove the contrary, it's preposterously done of him to give us his Use of Reproof, before he has clear'd his Doctrine.

However, I owe him many thanks for putting me in mind how Protestant Religion was first establish'd here in England; it was indeed by the mighty Hand of God, influencing the publick Councils of the Nation, so that all imaginable care was taken, both by Prince and People, to rescue themselves from under the *Romish Yoke*; and accordingly most excellent Laws were made against the usurpation and tyranny of that Man of Sin. Our noble Ancestors, in those days, did not palliate a want of Zeal for their Religion, with a lazy pretence of trusting in God's Providence; but, together with their Prayers to, and Assistance in Heaven, they joyned the Acts of their own Duty, without which (they very well knew) they had no reason to expect a Blessing from it.

But now be pleas'd to take notice of the Candor of this worthy *Considerer*; nothing less will serve his turn, than the proving all the Voters for the Bill guilty of the highest Perjury; For (says he) *they have all sworn in the Oath of Allegiance to bear Faith and true Allegiance to His Majesty, his Heirs and Successors; but the Duke is Heir, ergo, &c.* A very hopeful Argument indeed! But what if it should happen, (as it is neither impossible nor very improbable to imagin it) that the next Heir to the Crown should commit Treason, and conspire the Death of the present Possessor, and for this Treason should not only be attain'd by Parliament, but executed too: Pray, Mr. *Considerer*, would the Parliament in this case be guilty of Murder and Perjury? I am confident you will not say it. If therefore the next Heir become obnoxious to the Government in a lower degree, why may not the same Authority proportion the Punishment, and leave him his Life, but debar him of the Succession? This I say only to shew the absurdity of his Argument.

My Answer is this: No man can bear Allegiance to two persons at the same time; nor can Allegiance be ever due to a Subject, and therefore my Obligation by the word [*Heir*] in the Oath, does not commence till such Heir has a present Right to, or actual Possession of the Crown, which if he never attains, either by reason of Death, or any other Act that incapacitates and bars him, then can my Obligation to him by the word *Heir* in the Oath never have a beginning.

But

But besides all this, it cannot be denied but Mr. *Considerer's* Doctrine does bring great Inconveniences on Succession; for the next Heir (by his way of arguing) is let loose from all the Restrictions and Penalties of Humane Laws; and has no other eyes upon him, not to snatch the Crown out of the Hands of the Possessor, than purely those of his own Conscience, which is worthy Mr. *Considerer's* highest Consideration.

I shall only take notice of one Objection more, and then conclude, (fearing I have too much trespass'd on your Patience already.)

*It's very hard (says he) that a man should lose his Inheritance because he is of this or that Persuasion in Matters of Religion.*

And truly, Gentlemen, were the Case only so, I should be intirely of his mind: But alas! Popery (whatever Mr. *Considerer* is pleas'd to insinuate) is not an harmless innocent Persuasion of a Number of Men, differing from others in matters relating to Christian Religion; but is really and truly a different Religion from Christianity itself. Nor is the Inheritance he there mentions, an Inheritance only of *Black-Acre* and *White-Acre* without any Office annexed, which requires him to be *par Officio*: But the Government and Protection of several Nations, the Making War and Peace for them; the Preservation of their Religion, the Disposal of Publick Places and Revenues, the Execution of all Laws, together with many other things of the greatest Importance, are in this Case claimed by the Word *Inheritance*; which if you consider, and at the same time reflect upon the Enslaving and Bloody Tenents of the Church of *Rome*, more particularly the Hellish and Damnable Conspiracy those of that Communion are now carrying on against our Lives, our Religion, and our Government, I am confident you will think it as proper for a Wolf to be a Shepherd, as it is for a Papist to be the *Defender of our Faith*, &c.

The Old Gentleman had no sooner ended his Discourse, but I returned him my hearty Thanks, for the Trouble he had been pleas'd to give himself on this Occasion; and I could not but acknowledge he had given me great Satisfaction in that Affair; what it will give thee, *Charles*, I know not, I am sure I parted from him very Melancholy for having been a Fool so long. *Adieu*,

*I am thy Affectionate*

L. D.

A

## Collection of Speeches

IN THE

# House of Commons

In the Year. 1680.

The Lord L. Speech.

My Lords,

Many have been the Designs of the Papists to subvert this poor Nation from the Protestant Religion to that of the See of *Rome*, and that by all the undetermining Policies possibly could be invented, during the Recess of Parliament even to the casting the Odium of their most Damnable Designs on the Innocency of his Majesties most Loyal Subjects. We have already had a taste of their Plottings in *Ireland*, and find how many unaccountable *Irish* Papists daily arrive, which we have now under Consideration. My Lord *Dumbarton*, a great *Romanist*, has Petitioned for his stay here, alledging several Reasons therein, which in my Opinion make all for his speedy Departure; for I can never think his Majesty and this Kingdom sufficiently secure, till we are rid of those *Irish* Cattel, and all others besides; for I durst be bold to say, that whatsoever they may pretend, there is not one of them, but have a destructive Tenet, only they want Power, not Will to put it in force.

Y

I

I would not have so much as a Popish Man nor a Popish Woman to remain here, nor so much as a Popish Dog, or a Popish Bitch, nor so much as a Popish Cat that should pur or mew about the King. We are in a Labyrinth of Evils, and must carefully endeavour to get out of them; and the greatest danger of all amongst us are, our conning Protestants, who notwithstanding the many Evidences of the Plot, have been indoltrious to revile the Kings Witnesses; and such an one is R— L'E—, who now disappears, being one of the greatest Villains upon the Earth, a Rogue beyond my Skill to delineate, has been the Bugbear to the Protestant Religion, and traduced the King and Kingdoms Evidences by his notorious scribbling Writings, and hath endeavoured as much as in him lay, to eclipse the Glory of the English Nation; he is a dangerous rank Papist, proved by good and substantial Evidence, for which since he has walked under another disguise, he deserves of all Men to be hanged, and I believe I shall live to see that to be his State. He has scandalized several of the Nobility, and detracted from the Rights of his Majesty's great Council the Parliament, and is now fled from Justice, by which he confesses the Charge against him, and that shows him to be guilty.

My humble Motion is, that this House Address to his Majesty, to put him out of the Commission of Peace, and all other Publick Employments for ever.

### Speeches in the Honourable House of Commons.

Mr. Speaker.

IN the Front of *Magna Charta* it is said, *Nulli negabimus, nulli differimus Justitiam*, we will defer or deny Justice to no Man; to this the King is Sworn, and with this the Judges are intrusted by their Oaths. I admire what they can say for themselves, if they have not read this Law, they are not fit to sit upon the Bench; and if they have, I had almost said, they deserve to lose their Heads.

Mr. Speaker. The State of the poor Nation is to be deplored, that in almost all ages, the Judges, who ought to be Preservers of the Laws, have endeavoured to destroy them; and that to please a Court-Faction: they have by Treachery attempted to break the Bonds asunder of *Magna Charta*, the great Treasury of our Peace; it was no sooner passed, but a Chief Justice in that day perswades the King he was not bound by it, because he was under Age when it was passed. But this sort of Insolence the next Parliament resentred, to the ruine of the pernicious Chief Justice. In the time of *Richard the Second*, an unthinking dissolute Prince, there were Judges that did insinuate into the King, that the Parliament were only his Creatures, and depended on his Will, and not on the Fundamental Constitutions of the Land; which Treacherous Advice proved the Ruine of the King, and for which all those evil Instruments were brought to Justice. In his late Majesties Time, his Misfortunes were occasioned chiefly by the Corruptions of the Long Robe; his Judges by an Extrajudicial Opinion give the King Power to raise Money upon an extraordinary Occasion without Parliament, and made the King Judge of such Occasions. Charity prompts me to think they thought this a Service to the King, but the sad Consequences of it may convince all Mankind, that every illegal Act weakens the Royal Interest; and to endeavour to introduce Absolute Dominion in these Realms, is the worst of Treasons, because, whilst it bears the Face of Friendship to the King, and Designs to be for his Service, it never fails of the contrary effect.

The two great Pillars of the Government are Parliaments and Juries; it is this gives us the Title of Free-born English-men: for my Notion of Free-English-men is this, that they are ruled by Laws of their own making, and tried by Men of the same Condition with themselves. The Two great and undoubted Priviledges of the People have been lately invaded by the Judges that now sit in *Westminster-hall*; they have Espoused Proclamation against Law; they have discountenanced and opposed several legal Acts, that tended to the sitting of this Honourable House; they have grasped the Legislative Power into their own Hands, as in that Instance of Printing; the Parliament was considering that matter, but they in the interim made their private Opinion to be Law, to supersede the Judgment of this House; They have discharged Grand Juries on purpose to quell their Presentments, and shelter great Criminals from Justice; and when Juries have presented their Opinion for the sitting of this Parliament, they have in disdain thrown them at their Feet, and told them, they would be no Messengers to carry such Petitions; and yet in a few days after, have encouraged all that would spit their Venom against the Government; they have served an Ignorant and Arbitrary Faction, and been the Messengers of Abhorrences to the King.

Mr.



*Mr. Speaker.* What we have now to do, is to load them with shame, who have bid defiance to the Law; they are guilty of Crimes against Nature, against the King, against their Knowledge, and against Posterity. The whole frame of Nature doth loudly and daily petition to God their Creator; and Kings, like God, may be addressed to in like manner by Petition, not Command. They likewise knew it was lawful to petition; Ignorance can be no Plea, and their Knowledge aggravates their Crimes. The Children unborn are bound to curse such Proceedings, for 'twas not petitioning, but Parliaments they abhor'd. The Atheist pleads against a God, not that he disbelieves a Deity, but would have it so. *Tresilian* and *Belknap* were Judges too, their Learning gave them Honour, but their Villanies made their Exit by a Rope. The end of my Motion therefore is, That we may address warmly to our Prince against them, let us settle a Committee to enquire into their Crimes, and not fail of doing Justice upon them that have perverted it; let us purge the Fountain, and the Streams will issue pure.

November the 17th. being appointed for consideration of His Majesty's Message, the Order being read, it was moved by a worthy Member,

**T**HAT as long as Popery hangs over us, we could do nothing, and we ought to represent our condition to the King; and then, when we had secured our Religion and Property, we should be ready to do any thing that might make the King happy and great.

*A Second.* I am sorry that *Tangier* (that is, a Supply) is moved for, at so unseasonable a time; I confess, *Tangier* is of great moment, but we have now in hands that which is of greater moment than ten *Tangiers* put together. The consideration of that, before we are secure in our Religion at home, is as when an Enemy was landed we should afterwards go to fortify the Coasts of *Kent*. And being told us by His Majesty, we should secure our selves against Popery, by all ways but meddling with the Succession, and should rest there, we are prevented of what is our preservation; And the providing for *Tangier* now, will be the weakening of our Security. When *Tangier* was put into the hands of the *English* first, there was an Article that there should continue a Popish Church, and the Religion that belonged to it to continue their Lives, but not to be replenish'd with new. And if it be enquir'd into, I believe it will be found the number of them is not yet decreased. It is not long since there was a Popish Governour there, many Papists and Souldiers gone thither lately from *Ireland*. It is not a little Sum that will do what is needful there; and if it should be a considerable one that should be given for it, it may be made use of to raise an Army there; so that we run into a great Inconveniency by providing for it; I think we ought to consider well of it before we do: And yet I am not for suddenly saying, we will raise no Money, but for clearly stating the Case by an Address to the King.

*A Third.* I am only to acquaint you, That *Tangier* is not to be maintained without your Support.

*A Fourth.* All things are to be considered comparatively, and if it be made an Argument against the Duke's Bill, that is at the Head of an Army in *Scotland*, and that in *Ireland* there are ten Papists to one Protestant, his great interest in the Fleet, and being Admiral, and *Tangier* being a Seminary of Papists, then sure you have a special Argument to take *Tangier* into your Consideration, and Money may be for that Service. But then this Parliament do not ask Petitions of Grace, but of Right. And will you part with your Money without any Security? You have often done so, and what are you the better for it? I long for the time, when we may give Money to make the King great; but if things must go on as they do, I am for a plain Bargain, to know what we shall have for our Money. For my part, I only desire our Security; but if we should give Money, I suppose you will take care what hands we put it in, and there ought to be a Trust: Let us Address His Majesty.

*A Fifth.* We are told *Tangier* is of Importance, it is a Nursery of Papists: And we are likewise told, The *Irish* sent thither a part of the *Irish* Army, and they take the Oath, that is no Security: Was not the Lord *Bellasis* Governour of *Tangier* and *Hull*, and the Pensioner Captain, all at a time, and took the Oaths; those Souldiers, for ought I know, may be brought hither, and the asking for a Supply for it at this time, is very unreasonable, because Parliaments have been put off two or three years, and whilst there are people that dare make a difference between the King and this House, we shall never be safe. Let us represent our Condition as boldly as may stand with good

good manners. It is not to be endured, to see the Duke preferred before the King, as he was; as if Arguments of his Greatness and Power were Arguments strong enough to hinder the Bill: He hath violated the Law, and we needed not to have gone this way to work, if we could have had Justice against him; but he is too great for that, let us Address His Majesty.

*A Sixth.* If *Tangier* be wholly under the Duke's Care and Protection, and such a Seminary for Papists as hath been represented, I think no motion to have a Supply for it is unreasonable, and am against it; order the bringing in the state of it.

*A Seventh.* I spoke the sense of the City formerly, and do so now again, and in the name of the greatest part of the Commonalty of the City of *London*, and we do declare, That we are ready to give Money, half we have, nay all, and be content to set up again, and get new Estates, if we can but be secured. The burning of *London*, justly laid upon the Papists, and keeping Watch since the Plot, hath cost the City above 100000 *l.* The City of *London* is the Bulwark of our Religion: And is it not said, the Duke is at the head of 30 or 40000 men? The Lieutenantcy and Justices, how are they molded for his turn. And if you do nothing now in this House, we must all, without any more ado, try to make a Peace with him as well as we can, I'll never do it: And will you, for the sake of one man, destroy three Kingdoms?

*An Eighth.* He moved, that the Representation might declare, That we see no Security, but removing the Duke of *Tork*.

*A Ninth.* We discoursing of *Tangier* at this time, is like *Nero's* Fiddling whilst *Rome* was consuming by Fire: If it be in a good condition, we cannot help it; if in a bad one, we are not in a posture to do it. Pray consider the condition by what's past, when King *Henry* the Eighth was for Supremacy, the Kingdom was for it; when King *Henry* the Eighth was against it, the Kingdom was against it. When King *Edward* the Sixth was a Protestant, the Kingdom was so; when Queen *Mary* was a Papist, the Kingdom was so; when Queen *Elizabeth* was a Protestant, the Kingdom so again; *Regis ad exemplum*, &c. And I believe, even in King *Edward* the Sixth's time, the Bishops themselves would not have been for throwing out such a Bill as this. And if King *Edward* had promised any thing for the preservation of the Protestant Religion, so that *Mary* might succeed, the Pope would no way have contrived so great a Favour. The bidding us prevent Popery, and the letting alone a Popish Successor, is as if a Physician should come to a man in a *Pleurisie*, and tell him, he may make use of any Remedies but letting of Blood; the Party must perish, that being the only Cure. I am not at present for giving of Money, that being to the State as Food to the Stomach; if that be clean, meat turns to good Nourishment; but if it be out of order, it breeds Diseases: And so it is in the State, if that be not in order too. We have been often deceived, and by the same men again. Was not 200000 *l.* given for the Fleet in 74, and was any of it employed that way? Money given for an actual War with *France*, employed for a dishonourable Peace. Never so many Admirals, and so few Ships to guard us; never more Commissioners of the Treasury, and so little Money; never so many Counsellors, and so little Safety: Let us address His Majesty.

*A Tenth.* I'll never be for giving of Money for promoting Popery, and a Successor a publick Enemy to the Kingdom, and a Slave to the Pope: Whilst he hath 11 to 7 in the Council, and 63 to 31 in the House of Lords, we are not secure. And if my own Father had been one of the 63, I should have voted him an Enemy to the King and Kingdoms; and if we cannot live Protestants, I hope we shall dye so.

*The Eleventh.* Redress our Grievances first, and then, and not till then, Money. *Tangier* never was, nor will be a place of Trade. *Tituan* and *Sally* so near, they will never trade with us to destroy themselves, and can never be for our Advantage. And I have many years wonder'd at the Council that have been for the keeping of it; and am of opinion, that Popery may be aimed at by it, and that our Councils are managed at *Rome*, from whence I saw a Letter from a Friend, dated the 21th. of *October*, with the Heads of the King's Speech in it, to this effect, That His Majesty would command them not to meddle with the Succession; That he would ask no Money; That he would stand upon the Confirmation of the Lord *Danby's* Pardon; and, That the keeping of *Tangier* was to draw on Expences, and was it not, would be for the blowing of it up.

*Twelfth.* I am for a Representation.

*Thirteenth.* I remember, before the last Session of Parliament, there was a Council held at *Lamberth*, and there hatched a Bill against Popery. It was for the breeding of Children of a Popish Successor, which admitted the thing; and it was called a Bill against Popery, but we called it the Popish Bill. I am for the Church of *England*, but

not

not for the Church-men of the late Bishop of *St. Asaph*, on his Death-bed, good man, could hardly forbear declaring himself, which his Epitaph did (*Ora pro Anima*) ordered to be written upon his Tomb. We are told the other day, we ought to make the Duke a Substantive to stand by himself; That there was less danger of a General without an Army, than an Army without a General. And I have read in *Pliny* which was most to be feared, an Army of Lyons with an Hare to their General, or an Army of Hares with a Lyon to their General? and it was concluded, that an Army of Hares with a Lyon to their General, was most to be feared of the two. His Majesty is inclosed by a sort of Monsters, who endeavour to destroy, and I hope to move against them before we rise; and though we have lost our last Bill, we have not lost our Courage and Hearts.

*Fourteenth.* His Majesty desires your Advice and Assistance, it is seldom, which is very kind, and though you shall think fit not to give the latter, it's but mannerly to give the first. And I hope you will not resent any Injury, if any there were done by the House of Lords on the King, who though he cannot cure all ill in one day, he can ruin all. And I acquaint you, there is a very great Weight laid upon this Session of Parliament, and upon the agreeing of the King with the People, on which depends the Welfare of the Protestants abroad, and hope you will not go about to Remonstrate now.

*Fifteenth.* If you had sent the Duke's, Lord *Craven's*, and *Mulgrave's* Regiment to *Tangier*, it would supply the Place with Men, and Disband the Lord *Oxford's* Regiment, and the Money on those employed, would bear much of the share of this.

*Then the House Resolved to appoint a Committee to draw up an Address upon the Debate of this House, to represent His Majesty the State and Condition of the Kingdom, in Answer to His Majesties Message about Tangier.*

## The SPEECHES of several Learned and Worthy Members of the Honourable House of Commons, for Passing the Bill against the Duke of York.

*Mr. Speaker,*

**T**HE Gentleman that spoke last, seems to intimate that we ought to have a due regard to the Kings Brother, and consider what infinite disadvantages will accrue to us, if we are too hasty in our Resolutions, as before the Duke is found guilty, to proceed to pass a Bill for Exclusion; for that nothing but War and Bloodshed can be expected from it; therefore he says we ought to be moderate, and find out a Medium to secure the Protestant Religion, notwithstanding the Duke may be a Papist. Now Gentlemen, I give you the Dictates of my Heart, without either Passion or Prejudice, and should be as willing as any Person to agree with what that Gentleman hath proposed, if any such Reason can be brought to enforce it. For my part, I think it absolutely impossible that this Kingdom can be safe, or the Protestant Religion succeed under a Popish Successor; for do but Review the Ancient and Modern Histories, and you shall find how Protestants have lived under a Popish King; have they not been Massacred, Butchered and Enslaved in *Germany*, *France*, and in our own Countries, notwithstanding all the Laws, Vows and Promises to the contrary? Are not the Tenets of the Papists destructive to the Protestant Religion, which is Heresie, and that Faith is not to be kept with such? See the barbarous Usage of the Protestants in *Piedmont*, and in *Queen Maries* Time; How then can we expect any better success? for by how much a Popish Prince seems to be Religious, by so much ought he to be looked upon desperately dangerous; for since the Papists make such Plotting and Designing to subvert our Religion under a Protestant Prince, how much more will they act against us under a Popish Successor? For to think to Restrain a Prince under the Power of a penal Law, thereby to secure Religion, is no more than to tye *Sampson* with Cords; for will not the Courtiers be flattered by their Prince, to imitate the same Religion with him? and then will not we Protestants be discountenanced, and none but Priests and Jesuites have Dominion over us? For my part, if you pass not this Bill, we shall all agree to have our Throats cut; and I have no patience at all for that: you see how the Duke of *York* being a Papist, they have all the dependency on him, and hope



to perfect their Villanies. Therefore take away this General, and this Army may be secured; and then being united at home, we need not fear what all the Papists in the World can do unto us, when we fight for the maintenance of our Laws and Religion by Exclusion of a Popish Prince, and rather withstand any Violence that shall be brought against us, than be in Danger every day to have our Throats cut by those that are amongst us. One Gentleman was pleased to say, that it was a Papist Jesuits Bill, and that which they brand the Papists withall, (*viz.*) Deposing of Princes. I do say as to that, That we do not Depose *James D. of T.* but as being a Papist, considering the sad Consequence that will ensue; for should we admit a Papist, we should give away the Crown, for he would only have the Title, the Pope would be our Sovereign. And we ought to prevent any such Usurpers, who no doubt would make havock of our Estates, if he spares us our Lives. To tell us that Exclusion will cause a Civil War, I am of the contrary Opinion; for it will be more conducing to the Preservation of the Kings Person and Government, our Laws, Lives and Religion, to be Unanimous. Whereas Oppression, Fire and Faggot, might cause People to Rebel and be Mutinous, when the other would be a means to unite us. As I will give you a reason why we cannot restrain him otherwise, or use moderation towards him; for suppose I were riding a full speed on the Road on a secure Horse, a Gentleman passing by, desired me to be moderate, for that I would kill my Horse, when at the same time he knows that if I slacken my pace, I shall have my throat cut by thieves that are swiftly pursuing me; therefore I cannot be moderate in this case, unless I will fling away my Life. And I will lay down another Similitude, that is, if I were Sailing to the *East-Indies*, and passing the Equinoctial Line, most of the Sea-men were distempered through Heat, and on their sick Beds, but it being told them, that the Ship is in danger of sinking, for there springs a Leak, upon which they all arise, and instantly fall to Pump; but the Chyrurgeon acquaints them, that if they do not work more moderately, they will get the Calenture, and so destroy themselves; but they give him only the Hearing, knowing that if they cease never so little, they are all drowned in the Deep: therefore in this case there can be no Moderation. And to give an Instance in Holy Writ, *Moses* was a meek and mild Man, and a moderate Man, but seeing an *Egyptian* and an *Israelite* fighting, he immediately slew the *Egyptian*, for he knew it was to no purpose to be moderate with him; and afterwards seeing two *Israelites* fighting, endeavoured to part them, telling them, they were Brethren, and ought to be moderate; so we must place it upon the right Object, and not suffer our selves and Posterity to be irrecoverably undone.

*Another Speech by a Worthy Gentleman.*

*Mr. Speaker,*

N O Man hath a greater Veneration for the Royal Family than my self, to which I am obliged both in gratitude and Duty, I am bold to say that I have a great esteem and honour for the D. of T. Yet I must before the passing of this Bill (to dissent from that worthy Gentleman that thought it a Bill of Rigour, for it is as I conceive, a Bill of Grace and Mercy) Vote for it, as a Favour for the D. I am sure it is so to the Royal Family, they cannot be safe till the Bill be passed; in tenderness to one Branch we must endanger the whole.

That worthy Gentleman that moved last, seems to intimate, that the passing this Bill is against our Oaths of Allegiance and Supremacy: I admire his Mistake, and it is the first time I ever heard the Protestant Oaths cited to justify a Popish Successor: it is urged we are sworn to the King, his Heirs and lawful Successors; it is true, we are so, but not obliged to any in the Kings life time but himself, for that were Treason: He has no Heirs or Successors by Law during his own Life, *Non est Heres vivens in.* We are likewise told, we are designing a Bill to UNITE the Protestant Interest, but will divide it, because many true Protestants are for the true Heir, and for the D. of T. if he be so, which may occasion the Effusion of much Blood amongst us.

*Mr. Speaker,*

UNITY is desired by all, yet let us be glad to divide from such Men, for when this Bill is passed, their false Loyalty will be a Crime, and we know not what Character to give it, and what Punishment to assign them; LOYALTY is a Correspondency and Submission to the Law, it is that surrounds the King, and makes his Person Sacred.

It is hinted that we must Impeach the Duke, I should be for that if he did not withdraw

draw, I will not say fly from Justice; if we Impeach him being absent, we can only Attaint him, and should he survive the King, and be then Lawful Heir, the Descent of the Crown takes off all Attainders, and such Proceedings were only an Illusion, and would indeed involve us in Blood.

Let us disable him, 'tis absolutely necessary, without 'tis impossible to save. I perceive no Gentleman here has confidence to deny the Loyalty of the Fact, or excuse the black Crimes that appear before us. Why do they not answer the Evidence that is now come in? If it be false, contradict it; if true, what is the Reason of this Debate? Is not the King alive? Is not all Loyalty due to him? Love hates a Competitor, much more a Crown.

### *A Speech spoke by the same Worthy Member, upon the Irish Informations, given in at the Bar in Writing.*

**T**HIS is not so much a *Discovery* as a *Confirmation* of the *Discovery* of the Plot, although some inconsiderate Men are apt to give Credit to the dying Words of some Men. This agrees exactly with *Oates* his first *Discovery*. It adds to the strength of what *Coleman's* Letters imported; but so deplorable is our Condition, we are in danger, we see the Knife is even at our Throats, but none seeks to take it out of our Enemies hand.

You have Witnesses against a Great Person, one before, another now; he is a Lord, a Privy Counsellor, and sits in Council still: My Lord of *Tyrone*, he is in the *Gate-House*, but not secured: There is one *Informant* tells you they received Incouragement from the D. of T. and that he promised them Assistance: I call not the Truth of this in question, but we see they make use of these great Names: so that even in this Kings time, we are not secure a day without the Bill. They have Reason to believe that a *Papish Successor* will assist them in their Rebellion.

Now we see why our Ministers made a Peace; We thought our Security to be in the *French Kings* being involved in a War: Now I say, the reason of the *Nimeguen Plenipotentiaries* making a Peace is seen, to have the *French King* be at Liberty to send Men into *Ireland*. Here you have a full Confirmation of this Evidence; We see our danger both at home and abroad, and what posture we are in, if any means be left for our Security.

Let these *Depositions* be Printed that the Country may see our Danger: if we will not Impeach the Earl of *Tyrone* presently; if he should write into *Ireland*, I am afraid he will find too much Favour there: consider the Case of this Lord the Privy Counsellor; he is a great Man, and a Lawyer; if I thought we could not reach him, we would not go about to Impeach him. Agree with the Lords in their Vote, and desire them to agree with you, that the *Papists* may not draw their Incouragement from a *Papish Successor*.

### *Another Speech by a Person of Honour.*

*Mr. Speaker,*

I Have not hitherto troubled you, and am so sensible of my own Inabilities in comparison of so many wiser and abler Men in this House; that 'tis with great unwillingness, I rise up to speak; but when I hear the Honour and Justice of this House call'd in question, as it was by that Honourable Member which spake last; I cannot I confess bear it with patience, but must (as I think it my Duty) endeavour to vindicate the Justice of the House: for I must profess Sir, that in my Judgment this Bill is so far from an unjust thing, that it is rather a Favour to him, since if he were proceeded against by Impeachment for the Crimes he is accused of by several Witnesses, he might perhaps forfeit more than a Crown; which for our Safeties only we go about to exclude him from enjoying: And since it is undoubtedly in the Power of Parliaments to dispose of such Successions, it seems very hard with me to tax this House with Unjustice for so doing, upon so great reason and necessity as now requires it.

I will not Sir, at all deny the many great Services (mentioned by that Honourable Member,) the Duke has done the Nation at Sea, nor will I say any thing at all in Degradation of any one of them, but yet I do not think he fought for us when he was asleep.

Therefore

There are several things Sir, wherein this Nation hath been betrayed, I will not say any of them directly upon him, but when I think of some of them, I am very much startled and know not well what to believe, for when I consider that in the Fire of *London*, there were several outlandish Men taken in the very act of Firing a House, and being delivered to the Guard, were presently set at Liberty by the Officer that commanded it, and that such a Man should ever since not only continue, but increase in the Duke's Favour to the greatest Degree imaginable, I must confess I do not like it, and I think it looks very ill.

When I also think of the general Design which plainly appears to have been carried on all along, to destroy the People, and to weaken the Nation as much as possible, as appears by the Treachery was used at *Chatham*, and the *French's* standing still while the *Dutch* and we cut one anothers Throats, this also in my Judgment is very ill. nor doth it appear better that it was taken ill, that the D. of *Monmouth* when he was sent into *Scotland*, did not cut those poor miserable Peoples Throats. (But that Prince had too much humanity and discretion than to do it.) But I do not particularly charge any Person with these.

There are many things Sir, spoken of by the witnesses you have heard relating to the Duke, as also several things in the Letters you have heard read, I shall not repeat any of them: I will only tell you a Passage comes into my mind, and I do not tell it for the sake of the Story, but that it appears to me by it, that the Duke was either somewhat concerned in the Plot, or at least to hinder the discovery of it; for the D. speaking publickly to all that were round him, of one *Le Faire* that was accused by Mr. *Bedloe*, to have been one of Sir *E. B. Godfreys* Murderers, and one of the Queens servants, he said that could not be, because there was no such Man as *Le Faire* about the Queen, but yet it so fell out they say, that in some little time after there was a Bond found, under this Man's own hand, and he proved to be one of the Queens Servants, and run away upon this Business.

Now Sir, if this were so, 'tis impossible the other should be true, and if a Prince, or any Man speaks an untruth, it is a fault so hateful to me, that I must confess I know not what to call it, nor what Name to give it, (It is the Devil.)

I shall trouble you Sir, with one thing more which comes into my mind, and if true, is as bad as any thing can be: There was Sir, a *French* Protestant came o're to the King to make Proposals for the Interest of the Protestant Religion——

*Here a Person of Honour standing up, said, He never heard a Prince so Reflected upon in his life: Upon which the House cried, Go on, Go on: The Gentleman answered,*

*Mr. Speaker,*

I wonder that Noble Lord should thus interrupt me, for I have not positively affirmed any thing at all of the Duke, though I have said nothing but what in my Judgment I thought might be truth, and I shall not change my mind for his being displeased at it; but however I am very well satisfied to say no more, but only, that I remember that Honourable Person by the Bar, told us, he would not speak to the prudential part against the Bill, and truly Sir, I think he has kept his Word very exactly: and that, whereas another Member before him objected, *That it was possible the Duke might turn Protestant*, I would only answer, that I do not think it possible, that any Person that has been bred up in the Protestant Religion, and hath been weak enough (for so I must call it) to turn Papist, should ever after (in that respect) be wise enough to turn Protestant, and therefore Sir, upon the whole matter, my humble Motion is, *That the Bill may pass.*

### Debates in the House of Commons, Jan. 7. 1680. upon His Majesties Message.

*The First Speech by an Honourable Gentleman.*

**H**IS Majesties relies not only on the Dictates of his own Judgment, but is confirmed by the Judgment of the House of Lords; but many of them have gained their Honour by Interest rather than Merit. His Majesty hath given no Answer to several of your Addresses; when you say nothing can secure you but this Bill, that he should propose other means; but if we have not the Bill, we are deprived of the means



to preserve His Majesties Life, Person and Government. I never knew that *Tangier* was more considerable than all the Three Kingdoms : Is it time to be silent, or not ? Why is all this stir for a Man that desires the Throne before His Majesty is dead ? He is in all the Plot, either at one end or other : who took evidence of *London Fire* ? Arbitrary Power was at the end ; and no Religion like Popery to set up : That I will pay the Duty and Allegiance of an *English-man*, to an *English Prince* : But Popery and Arbitrary Power must be rooted out. Can you hope for any Good while this Man is Heir, an Apostate from his Religion ; his Government is the most dangerous : Our Ministers of State give us little hopes from *Whitehall* ; I hope they will be Named ; First set a Brand on all them that framed the Answer, and all them that shall lend Money by way of Anticipation ; desire him to take Advice of His Parliament, rather than private Men, or to let us go home, and attend His Service when he shall again call for us.

*The Second Speech by another Person of Hour.*

I am afraid we are lost, we have done our Parts, shewed our selves good Subjects ; but some stand between the King and us to promote the Duke of *York's* Interest ; Those that advised the King not to pass the Bill, deserve to be Branded.

*The Third Speech by an Honourable Gentleman.*

We have made the modestest Request that ever People did in such a time of Danger : we have neither passed a Bill, nor obtained a kind Answer ; our Trust must be in our Votes : When the King bid us look into the Plot, like well-meaning Countrey-Gentlemen, we looked into the *Tower* ; we should have looked into *Whitehall*, There the Plot is hatched, cherished and brought up : It would be well, if all against the Bill were put out of Council, and all of this House were put out of Commission that were for it : I had rather the *Moors* had *Tangier*, the *French King* *Flanders*, than the *Pope* had *England*.

*The Fourth Speech by a Person of Honour.*

I think the Debate is upon a Message from the King ; and the most especial part is about the Bill ; I concur with that Noble Person, rather than with all the rest ; But begin with the first, his Majesty hath suffered us twice to address upon the Bill ; yet the Lords have not admitted one Conference ; I believe every man came unwillingly into this Bill ; have any that were against it proposed any thing for our Security, if they will, let them stand up, and I will sit down : I have advised with Men that know the Laws, Religion and Government ; they say, if you will preserve this Government, this Law, this Bill must pass : We have received no expedient from the Lords ; the State of the Nation lies at their Door : they sit to hear Causes, they mind you of Mr. *Seymour*, but say nothing of the Bills. In *Richard* the Second his Time, some Lords were said to be Lords in the King's Pocket, but had no shoulders to support him. It's plain our evil comes from evil Ministers. There are some that will have a Prince of one Religion on the Throne, to rule the People of another ; a Popish Prince and a Protestant Kingdom, will any Ministers of parts, unless they have an indifferency of Religion, think this consistent ? I dedicate my Allegiance to the King, they to another Person, so the Kingdom must be destroy'd, either this limited Monarchy must stand, or come to Blood ; on the other side *Water-Monarchy* is absolutely supported by little men of no Fortune, and he that takes mean and low men to make Ministers of, sets up for Popery and Arbitrary Government : The King hath Counsels born ; if you have a Popish Prince, and a Protestant Parliament, will the King ever concur with them in matters of Religion and Property, are not your Estates sprinkled with *Abbey-Lands* ? If he asks Money, will you trust him ? must *Foreigners* comply with a Prince that in effect hath no People ? We must be overcome with *France* and *Popery*, or the Body will get a new Head, or the Head a new Body.

*The Fifth Speech by a Person of Honour.*

The House was unwilling at first to enter into a Debate about Expedients, and I am not prepared to propound them ; any thing you have heard proposed by the King in *Prin*, if you had them they will do you no harm : One day you say the King had been a good Prince, if he had good Company and good Councils ; no great Complement to the King, he offers you any thing but the Bill, I humbly make my motion to try it.

*The Sixth Speech by an Honourable Gentleman.*

I think it becomes that Gentleman very well to be of the Opinion he is, though no man else in this House. I wish the D. was of that Opinion his Father desired him. The Lords rejected the Bill, but I am afraid the King solicited, or else they would not; it's some mens interest to be for the D. but while they are at Court, we shall never have it: Foreign Persons have given Influence at Court, the French Ministers access to Court, inclines me to believe some body is paid for it: The Court is a Nurcery of Vice; they transmit them into the Countrey, and none but such men are employed.

*The Seventh Speech by an Honourable Gentleman.*

The Question now before you is, *Whether any other means be effectual besides the Bill*; I have heard none proposed in this Parliament; the last Parliament thought not fit to debate them, they were so weak, but hath this Plot been no longer than 1678. We gave 250000 l. to fight the Dutch, and assist them that had a Design to subdue us, and the Protestant Religion, which is not well settled. Have all the Laws been put in Execution against the Papists? But a few Apprentices going to pull down a Bawdy-house, with a Red Cloth on a Pole, was made Treason, but what hath been done with the Plot in the intervals of Parliament. The Lords have confirmed the King in his Opinion; but did not the *Proviso* for the D. come from the Lords House; I believe the Lords do not fear him; but I believe the Plot is more dangerous than ever. To rely upon any Remedy but this Bill, will expose your Selves and your Religion.

*The Eighth Speech by an Honourable Gentleman.*

You have heard several Propositions, but first make an end of one. It is long since we thought in this House we were not secure without the Bill, some have not yet considered of it, and I think we never shall. To make an *Act of Association* against the D. is to say, *Let him be lawful King, and then fight against him.* Another way is *Banishment*, if it be during the Kings life; truly you run into more dangers, rather then remove them; if you talk of *Banishment* during the D. Life, that is *Exclusion*: if the D. be a Papist, exclude all Papists from inheriting. Some talk of an *Act* pass, they would not satisfy their Consciences, I am sure a Vote to *Exclude* him will not. *Papery* encreases upon hopes the D. may come to the Crown? we ought to take care of this *Presumption*; Will not Papists expect to have their Religion established when the D. is next: I wonder men will pretend to plead for Loyalty to one, that they may never come to use it; some say, *Cannot the D. change his Religion?* Must not the Two Houses joyn? Did not Queen Mary do it, *Regis ad Exemplum*, most will conform. To make Arguments of this Bill is to lessen it; the King bids you go on to other things; let's declare *all other things are ineffectual without this Bill*; We cannot think our selves safe; to rely on any thing else, is not only insufficient but dangerous.

*The Ninth Speech by an Honourable Gentleman.*

Now I see the House is full, so considerate, I am bound to give my Thoughts. The Reason, the Verity of the Bill hath formerly been debated, and Precedents are Printed to show it hath been done. *It will be a Reproach to us when dead in our Graves, if we do not whatever any Parliament did to preserve Religion.* When we received the Kings Message, I was perswaded he was over-ruled by other men; for he saith, *What shall come in a Parliamentary Way*; how comes the King to know what's done in Parliament? When Clifford set up bare-fac'd for *Papery*, he brought the King to come frequently to the House of Lords. Crammer saith, That King Henry the Eighth, passed the Act of 6 Articles in an Un-Parliamentary way, by the Kings coming and soliciting. Henry the Fourth in a Record called, *The Indemnity of the Peers and Commons*, the King being in haste for Money, sends a Message, desires he may debate the matter with them, they return Answer, *Parliaments ought to debate free.* It's entred into the Rolls, *That the King shall neither come to one House or other*: Danby's soliciting could not move them, the King comes and he prevails: Some Lords have little Estates, some little Consciences, some less Religion. The King calls it an *Opinion*, and tells you he is confirmed in it by the House of Lords; he may come to take up other Resolutions, if the Parliament go away and leave this work undone: The King is in the highest Danger, though some men think they shall be accounted Loyal for opposing an *Act of Parliament*; it is but a Nick-

Nick-name. King *James* in his Speech, 1603, thought it his Security to comply with his Parliament: Nay, *He would betray his Country and Posterity in not doing it.* Remember what care the last King took to have his Posterity maintain the Protestant Religion. Remember Queen *Mary* broke her Word for Conscience sake every day; a Security would draw me from the Bill. Queen *Elizabeth's* Association against the Queen of *Scots* in the Act of Parliament was an Exclusion, she was but a Woman, but had wise Counsellors; Prelates then did not fear the frown of a Prince. Surely when the King sees so many Gentlemen of this House so firm, he will take their Advise, and Prorogue them, and then pass the Bill. I find not a Man that hath understanding, but saith, *We are undone without it*; We have not Compounded yet for our Throats, as some at *White-hall* have done, there is no next best; the only way to preserve the Protestant Religion is to pass the Bill, what is as secure as this, must be amounting to Exclusion; We can't save his Personal Dignity, but with the loss of our Laws and Lives too. I would to God the King knew how well this House doth love him.

*The Tenth Speech by an Honourable Gentleman.*

Consider whether the Dis-inheriting of a lawful Prince be Injustice or not; or whether we ought not rather to trust to the Providence of Almighty God.

*The Eleventh Speech by an Honourable Gentleman.*

I should be glad the last Gentleman would make it good, that we are to trust to the Providence of Almighty God, rather than do, as he supposes, an unlawful Act; but can he prove it unlawful; can the King, Lords and Commons do an unlawful Act? must we not have a Supreme Power? But to hint it to something, is to say, it is not Supreme; was there not *Machinations* every year against Queen *Elizabeth*, but she took away the *Scotch* Queen. I wonder we have this Answer, till I consider who is at the King's Ear, and have had an Interest carried on so long. The denial of this, is the denial of every thing; you see where there are divers Medicines, yet but one conducing to the end; you shall have a *Popish* King, if that be allowed, with Power to compel and corrupt you, you shall have what you will to protect you, but you shall be under the power of one to destroy you. *The Frogs must have a Government, but they must have a Stick for their King. Samson's Locks will be grown again by that time he comes in; There is a Lion in the Lobby, keep him out say I, no says some, open the Door, we will chain him when he's come in: Would you have a King that would neither court you nor protect you; you would have a Parliament to make Judges and Bishops, then sure the Long-Host will be Jure divino; you can have no Security under the Copes of Heaven without this Bill.*

*A Copy of the Duke of YORK's Bill.*

**W**Hereas *James* Duke of *York* is notoriously known to have been perverted from the Protestant to the *Popish* Religion; whereby not only great Encouragement hath been given to the *Popish* Party to enter into, and carry on most Devilish and Horrid Plots and Conspiracies for the Destruction of His Majesty's Sacred Person and Government, and for the Extirpation of the True Protestant Religion: But also if the said Duke should succeed to the Imperial Crown of this Realm; nothing is more manifest than that a Total Change of Religion within these Kingdoms would ensue. For the Preservation whereof, Be it Enacted by the King's Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same; That the said *James* Duke of *York* shall be, and is by the Authority of this present Parliament, Excluded, and made for ever incapable to Inherit, Possess or Enjoy the Imperial Crown of this Realm, and of the Kingdoms of *Ireland*, and the Dominions and Territories to them, or either of them belonging, or to have, exercise or enjoy any Dominion, Power, Jurisdiction or Authority in the same Kingdoms, Dominions, or any of them. And be it further Enacted by the Authority aforesaid, That if the said *James* Duke of *York* shall at any time hereafter, challenge, claim, or attempt to possess, or enjoy, or shall take upon him to use or exercise any Dominion, Power, or Authority, or Jurisdiction within the said Kingdoms,



or Dominions, or any of them, as King or Chief Magistrate of the same; That then he the said *James Duke of York*, for every such Offence, shall be deemed and adjudged guilty of High Treason; and shall suffer the Pains, Penalties and Forfeitures, as in case of High Treason: *And further*, That if any Person or Persons whatsoever shall assist or maintain, abett, or willingly adhere unto the said *James Duke of York*, in such challenge, claim or attempt; or shall of themselves attempt, or endeavour to put or bring the said *James Duke of York* into the Possession or Exercise of any Regal Power, Jurisdiction or Authority within the Kingdoms and Dominions aforesaid; or shall by Writing or Preaching, advisedly publish, maintain or declare, That he hath any Right, Title or Authority to the Office of King or Chief Magistrate of the Kingdoms and Dominions aforesaid, that then every such Person shall be deemed and adjudged guilty of High Treason; and that he suffer and undergo the Pains, Penalties and Forfeitures aforesaid.

*And be it further Enacted* by the Authority aforesaid, That he the said *James Duke of York* shall not at any time, from, and after the Fifth of November 1680, return or come into, or within any of the Kingdoms or Dominions aforesaid; *And* then he the said *James Duke of York* shall be deemed and adjudged guilty of High Treason; and shall suffer the Pains, Penalties and Forfeitures as in case of High Treason; *And further*, That if any Person or Persons whatsoever shall be aiding or assisting unto such Return of the said *James Duke of York*, That then every such Person shall be deemed and adjudged guilty of High Treason; and shall suffer as in Cases of High Treason.

*And be it further Enacted* by the Authority aforesaid, That he the said *James Duke of York*, or any other Person being guilty of any of the Treasons aforesaid, shall not be capable of, or receive Benefit by any Pardon, otherwise than by Act of Parliament, wherein they shall be particularly named; and that no *Nolle prosequi*, or Order for stay of Proceedings shall be received or allowed in, or upon any Indictment for any of the Offences mentioned in this Act.

*And be it further Enacted and Declared*; And it is hereby Enacted and Declared, That it shall and may be lawful to, and for any Magistrates, Officers and other Subjects whatsoever of these Kingdoms and Dominions aforesaid; and they are hereby enjoined and required to apprehend and secure the said *James Duke of York*, and every other Person offending in any of the Premises, and with him or them in case of Resistance to fight, and him or them by Force to subdue: For all which Actings, and for so doing, they are, and shall be by virtue of this Act saved harmless and indemnified.

*Provided*, and it is hereby Declared, That nothing in this Act contained, shall be construed, deemed or adjudged to disenable any other Person from inheriting and enjoying the Imperial Crown of the Realms and Dominions aforesaid; (other than the said *James Duke of York*.) But that in case the said *James Duke of York* should survive his now Majesty, and the Heirs of his Majesty's Body; The said Imperial Crown shall descend to, and be enjoyed by such Person or Person successarily during the Life of the said *James Duke of York*, as should have inherited and enjoyed the same in case the said *James Duke of York* were naturally dead, any thing contained in this Act to the contrary notwithstanding.

*And be it further Enacted*, by the Authority aforesaid, That during the Life of the said *James Duke of York*, this Act shall be given in charge at every Assizes and General Sessions of the Peace within the Kingdoms, Dominions and Territories aforesaid; and also shall be openly Read in every Cathedral Church, and Parish Church, and Chappels within the aforesaid Kingdoms, Dominions and Territories, by the several respective Parsons, Vicars, Curates, and Readers thereof, who are hereby required immediately after Divine Service in the Fore-noon to read the same twice in every year, that is to say, on the 25th. of December, and upon Easter-day, during the Life of the said *James Duke of York*.

*This BILL was Read Three Times, and Passed, and sent up to the Lords for their Concurrence.*

Some particular Matters of Fact relating to the Administration of  
Affairs in Scotland under the Duke of *LAUDERDALE*.

*Humbly offered to Your Majesty's Consideration, in Obedience to Your Royal Commands.*

1. **T**HE Duke of *Lauderdale* did grossly misrepresent to your Majesty the Condition of the Western Countries, as if they had been in a state of Rebellion, though there had never been any opposition made to your Majesty's Authority, nor any Resistance offered to your Forces, nor to the execution of the Laws. But he purposing to abuse your Majesty, that so he might carry on his sinister Designs by your Authority, advised your Majesty to raise an Army against your peaceable Subjects; at least did frame a Letter, which he sent to your Majesty to be signed by your Royal Hand to that effect; which being sent down to your Council, Orders was thereupon given out for raising an Army of Eight or Nine thousand men, the greatest part whereof were *Higlanders*; and notwithstanding that, to avert threatening, the Nobility and Gentry of that Country did send to *Edenburgh*, and for the security of the Peace did offer to engage, that whatsoever should be lent to put the Laws in execution, should meet with no affront; and that they would become Hostages for their safety: yet this Army was marched and led into a peaceable Country, and did take *free Quarters* according to their Commissions, and in most places levied great Sums of Money, under notion of dry Quarters, and did plunder and rob your Subjects; of which no redress could be obtained, though Complaints were frequently made: all which were expressly contrary to the Laws of the Kingdom.

2. In their Quarters it was apparent that regard was only had to the Dukes private Animosities; for the greatest part of those places that were most quartered on and destroyed, had not been guilty of the Field-Conventicles complained of, and many of the places that were most guilty were spared upon private Considerations.

3. The Subjects at that time were required to subscribe an exorbitant and illegal Bond, which was impossible to be performed by them; that they, their Wives and Children and Servants should live orderly according to Law, not go to Conventicles, or entertain vagrant Preachers, with several other particulars; by which Bond, those that signed it were made lyable for every Man's fault that lived upon their Ground.

4. Your Majesty's Subjects were charged with Laborrows denounced Rebels; and Captions were issued out for seizing their persons upon their refusing to sign the aforesaid Bond: and the Nobility and Gentry there who have ever been faithful to your Majesty, and had appeared in Arms for suppressing the last Rebellion, were disarmed upon Oath. A Proclamation was also issued, forbidding them upon great Penalty to keep any Horses above four Pounds ten groats price.

5. The Nobility and Gentry of the Shire of *Ayre* were also indicted at the instance of your Majesty's Advocate of very high Crimes and Misdemeanors: whereof some did import Treason. These Indictments were delivered them in the Evening, to be answered by them the next Morning upon Oath: and when they did demand two or three days time to consider of their Indictments, and crave the benefit of Lawyers to advise with in matters of so high concernment; and also excepted to their being put to swear against themselves in matters that were Capital, which was contrary to all Law and Justice; those their desires were rejected, though the like had never been done to the greatest Malefactor in the Kingdom. And it was told them, they must either swear instantly, or they would repute them guilty and proceed accordingly.

6. The Noblemen and Gentlemen knowing themselves innocent of all that had been furnished against them, did purge themselves by Oath of all the particulars that were objected to them, and were thereupon acquitted. And though the Committee of the Council used the severest manner of enquiry to discover any Seditious or Treasonable Designs, which were pretended as the grounds of leading in that Army into those Countries; yet nothing could ever be proved: so false was that Suggestion concerning a Rebellion then designed that was offered to your Majesty, and prevailed with you for sending the aforementioned Letter.

7. The Oppressions and Quarterings still continued. The Noblemen and Gentry of those Countries went to *Edenburgh* to present to your Council the heavy

Pressure that they and their people lay under, and were ready to offer to them all that in Law or Reason could be required of them for securing the peace. The Council did immediately upon their appearing there, set forth a Proclamation requiring them to depart the Town within three days upon all highest pains : and when the Duke of *Hamilton* did petition for leave to stay two three or days longer for some very urgent Affairs, that was refused him.

8. When some Persons of Quality had declared to the Duke of *Lauderdale* that they would go to represent their condition to your Majesty, if they could not have Justice from your Ministers ; for preventing that, a Proclamation was set forth, forbidding all the Subjects to depart the Kingdom without License ; that so your Majesty might not be acquainted with the said condition of your Subjects from making their application to your Majesty, no less contrary to your Majesty's true Interest (who must always be the Refuge of his People) than to the natural right of the Subject.

The former Particulars relate to the Invasion of the Rights of great numbers of your Subjects all at once. What follow, have indeed only fallen on some single persons ; yet are such, that your whole People apprehend they may be all upon the slightest occasions brought under the like Mischiefs.

1. The Council hath upon many occasions proceeded to a new kind of Punishment, of declaring men incapable of all publick Trust ; concerning which your Majesty may remember what Complaints the said Duke made, when during the Earl of *Middleton's* Administration, he himself was put under, and incapacitated by an Act of Parliament. The Words of his Paper against the Earl of *Middleton* are [*Unincapacitating*] was to whip with Scorpions, a punishment to rob men of their Honour, and to lay a lasting stain upon them and their Posterity. And if this was complained of, when done by the highest Court of Parliament, your Majesty may easily conclude, it cannot be done in any lower Court. But yet notwithstanding it is become of late years an ordinary Sentence in Council, when the least Complaints are brought against any, with whom the Duke of *Lauderdale* and his Brother are offended.

Instances of this are :

The declaring Thirteen worthy Citizens of *Edinburgh* incapable of publick Trust, against whom no Complaint was ever made to this day. as your Majesty will perceive by a Paper more fully concerning that Affair. The true cause of it was, that those men being in the Magistracy, that Duke and his Brother could not get a vast Bribe from them out of the Towns-money, which was afterwards obtained when they were removed.

The Provost of *Glasgow*, *Aberdeen* and *Fairburn* were put under the same Sentence, for signing a Letter to your Majesty in the Convention of the Burroughs with the rest of that Body, which Letter was advised by him who is now your Majesty's Advocate, as that which had nothing in it which could bring them under any guilt ; and yet those three were singled out of the whole number, and incapacitated, besides an high Fine and long Imprisonment, as to your Majesty will more fully appear by another Paper.

Sir *Patrick Holme* of *Polworth* being sent by the Shire of *Berwick* to complain of some illegal Proceedings, and to obtain a legal remedy to them, which he did only in the common Form of Law, was also declared incapable of publick Trust, besides many months Imprisonment.

The Provost of *Linlithgo* being complained of for not furnishing some of your Forces with Baggage Horses, was called before the Council, and because he said they were not bound in Law to furnish Horses in such manner, he was immediately declared incapable of publick Trust, and was both fined and imprisoned.

There are also fifty of the Town of *St. Johnstons* incapacitated upon a very slight pretence, so that it's very impossible for them to find a sufficient number of Citizens for the Magistracy of that Town.

2. Your Subjects are sometimes upon slight, and sometimes upon no grounds imprisoned, and often kept Prisoners many Months and years, nothing being objected to them, and are required to enter themselves Prisoners ; which is contrary to Law. It was in the former Article expressed, that many of these Persons declared incapable of publick Trust, did also suffer Imprisonment ; and besides these instances, Lieutenant General *Drummond*, (whose eminent Loyalty and great Services are well known to your Majesty,) was required to enter himself Prisoner in the Castle of *Dunbarton*, where he was kept one year and a half ; and was made a close Prisoner for nine months of that time, and yet nothing was ever objected to him to this day to justify that Usage.

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The Lord *Cardross* was for his Ladies keeping two Conventicles in her own House (at which he was not present) fined 110 *l.* and hath now been kept prisoner four years in the Castle of *Edenburgh*, where he still remains; although he hath often petitioned for his Liberty; and Sir *Patrick Holme* hath been now a second time almost one year, and nothing is yet laid to his charge.

Besides these illegal Imprisonments, the Officers of your Majesties Forces frequently carry Warrants with them for apprehending persons that are under no legal Censure, nor have been so much as cited to appear; which hath put many of your Subjects under great fears, especially upon what was done in Council three years ago: Captain *Carstairs* (a man now well enough known to your Majesty) did intrap one *Kirkton*, an outed Minister, into his Chamber at *Edenburgh*, and did violently abuse him; and designed to have extorted some money from him: The noise of this coming to the Ears of one *Baily*, Brother-in-law to the said *Kirkton*, he came to the house, and hearing him cry Murder, Murder, forced open the Chamber door, where he found his Brother-in-law and the Captain grappling; the Captain pretended to have a Warrant against *Kirkton*, and *Baily* desired him to shew it, and promised, that all obedience should be given to it: But the Captain refusing to do it, *Kirkton* was rescued. This was only delivering a man from the hands of a Robber, which Nature obligeth all men to do; especially when joyned with so near a Relation. The Captain complained of this to the Council, and the Lord *Hatton* with others were appointed to examine the Witnesses: And when it was brought before the Council, the Duke of *Hamilton*, Earls of *Mereton*, *Dumfriess* and *Kinkarden*, the Lord *Cochran*, and Sir *Archibald Primrose*, then Lord Register, desired, that the Report of the Examination might be read; but that not serving their ends, was denied. And thereupon those Lords delivered their Opinion, that sithence *Carstairs* did not shew any Warrant, nor was clothed with any publick Character, it was no opposing of your Majesties Authority in *Baily*, so to rescue the said *Kirkton*; yet *Baily* was for this fined in 6000. Marks, and kept long a Prisoner.

Those Lords were upon that so represented to your Majesty, that by the Duke of *Lauderdale's* procurement, they were turned out of the Council, and all command of the Militia. And it can be made appear, that the Captain had at that time no Warrant at all against *Kirkton*, but procured it after the Violence committed: And it was ante-dated, on design to serve a turn at that time. This manner of Proceedings hath ever since put your Subjects under sad apprehensions.

*There is one particular further offered to your Majesties consideration, concerning their way of using Prisoners.*

There were 14 men taken at a Field Conventicle, who without being legally Convict of that or any other crimes, were secretly and in the night taken out of Prison upon a Warrant signed by the Earl of *Lynlythgo*, and the Lord *Hatton* and *Collington*, and were delivered to Captain *Mayland*, who had been Page to the Duke of *Lauderdale*, but was then a French Officer, and was making his Levies in Scotland, and were carried over to the service of the French King in the year 1676.

3. The Council hath upon many occasions, proceeded to most unreasonable and Arbitrary Fines, either for slight offences, or for offences where the Fine is regulated by Law, which they have never considered, when the persons were not acceptable to them: So the Lord *Cardross* was Fined in 1111 *l.* for his Ladies keeping two Conventicles in his house, and Christning a Child by an outed Minister without his knowledge. The Provost formerly mentioned, and *Baily* with many more, were also fined without any regard to Law.

The Council hath at several times proceeded to the taking of Gentlemens Dwelling-houses from them, and putting Garrisons in them, which in time of peace is contrary to Law. In the year 75. It was designed against twelve of your Majesties Subjects, and was put in Execution in the houses of the Earl of *Calender*, the Lord *Cardross*, the Lady *Lumsden*, &c. and was again attempted in the year 78. the Houses belonging to the Leirds of *Cosnock*, *Blagan*, and *Rowal*, and were possessed by Souldiers, and declared Garrisons. Nor did it rest there, but Orders were sent from the Council, requiring the Countries about those Houses, to furnish them for the Souldiers use, and to supply them with necessaries, much contrary to Law. It was against this, that Sir *Patrick Holme* came to desire a remedy; and common Justice being denied him, he used a legal Protestation in the ordinary Form of Law, and was thereupon kept for many Months a Prisoner, and declared incapable of all publick trust, &c.

There is another particular, which because it is so odious, is unwillingly touched: yet it is necessary to inform your Majesty about it; for thereby it will appear, that the

the Duke of *Lauderdale* and his Brother have in a most solemn manner broken the publick faith that was given in your Majesties name.

One *Mitchel* being put in Prison upon great suspicion of his having attempted to murder the late Arch-Bishop of *St. Andrews*, and there being no Evidence against him, Warrant was given by the Duke of *Lauderdale* (then your Majesties Commissioner) and your Council to promise him his life if he would confess; Whereupon he did confess, and yet some years after, that person, who indeed deserved many deaths, if there had been any other Evidence against him, was upon that confession, convicted of the Crime, and the Duke of *Lauderdale* and his Brother being put to it by him, did swear, that they never gave or knew of any assurance of life given him: And when it was objected, that the promise was upon Record in the Council books, the Duke of *Lauderdale* did in open Court, where he was present only as a Witness, and so ought to have been silent, threaten them, if they should proceed to the Examination of that Act of Council, which, as he then said, might infer perjury on them that swore: and so did cut off the proof of that defence, which had been admitted by the Court as good in Law, and sufficient to save the Prisoner, if proved. Thus was that man hanged upon that Confession only, though the promise that drew it from him, doth appear upon Record, and can be proved by good and clear Evidence. And from this your Majesty may judge, what credit may be given to such men.

We do not at present enlarge on other particulars, though of great importance; such as Monopolies, selling places of Honors, turning men of known integrity out of their Employments, to which they had a good and just right during their lives: the profits of one of the most considerable of these, being sequestred for sometime, and applied for the Dutcheffs of *Lauderdale*'s use: the treating about, and receiving of great bribes by the Duke and Dutcheffs of *Lauderdale*, and the Lord *Hatton*, and particularly from the Towns of *Edenborough*, *Abberdeen*, *Lynlythgo*, and many others, for procuring from your Majesty Warrants for illegal impositions within these Towns: the manifest and publick perverting of Justice in the Session: besides the most signal abuses of the Mint and Copper Coin, that are most grievous to all your Subjects: But the number of these is so great, and they will require so many Witnesses, to be brought hither for proving them, that we fear it would too much trouble your Majesty now to examine them all: but your Majesty shall have a full account of them afterwards.

One thing is humbly offered to your Majesty, as the root of these and many other oppressions, which is, that the Method of governing that Kingdom for several years hath been, That the Lord *Hatton* and his adherents frame any Letter that they desire from your Majesty to your Council, and send it to the Duke of *Lauderdale*, who returns it signed; and this is brought to the Council: upon which if at any time a debate ariseth concerning the matter of that Letter, as being against or with Law; and when it is proposed, that a representation of that should be made to your Majesty; then the Lord *Hatton* in his insolent way, calls to have it put to the question, as if it were a crime to have any Warrant either debated or represented to your Majesty, which is procured by the Duke of *Lauderdale* or himself; and this is echoed by his Party, and by this means any further debating is stopped.

There are some other particulars relating to these heads, that are to be offered to your Majesty in other Papers, which are not added here, lest your Majesty should now be troubled with too long a Paper.

*The Impeachment of the Duke and Dutcheffs of Lauderdale, with their Brother My Lord Hatton, Presented to His Majesty by the City of Edenborough. The matters of Fact particularly relating to the Town of Edenborough, humbly offered for your Majesties Information. Before the Matter of Fact be spoken to, it is necessary that your Majesty be informed of one thing upon which this whole Affair hath moved.*

**T**He City of *Edenborough* had at several times given considerable sums of Money to the Duke of *Lauderdale*, amounting to upward of Twelve Thousand pounds *Sterlin*, and the Lord *Hatton*, Brother to the said Duke, being enraged by that their former practice, and being arrived to great height and influence in the Administration of Your Majesties Affairs in *Scotland*, did thereupon resolve on a Designe of getting Money

Money for himself also from them, as will appear to your Majesty by the following Narration; but the Magistrates at that time, and such others as had then the Principal Influence in the Administration of Affairs in that Town, being honest Men of good Fortunes, and not to be brought to comply with his Design, he bethought himself of all ways to vex them; and knowing they did much value the Prosperity of the Town, he thought that the first means for promoting that his Design, was to have them threatened with removing Your Majesties *Publique Judicatures* from that City to *Sterlin*, and perswaded his Brother the Duke of *Lauderdale* to move Your Majesty to that purpose; but being disappointed of that project by Your Majesties Royal Wisdom, Your Majesty looking upon it as if it were to declare to the World that You were jealous of so great a Part of that Your Ancient Kingdom, he bethought himself of new ways to accomplish his Design, for which he judged nothing so proper and effectual, as to disturb them in the choice of their Magistrates and Town-Counsel; and by all means possible to get some of his own chusing, fit for his own ends, brought into the Administration of the Affairs of that City. In order to which, being impatient of any longer delay, he laid hold of what follows, being the first occasion that offer'd, though a very frivolous one.

At *Michaelmas* 1674, The said City of *Edenborough* being to go about the Election of their Magistrates for the ensuing year, there was procured a Letter from Your Majesty to Your Privy Council, commanding them to forbid the Magistrates and Town Council to proceed in their Elections, but to continue the Magistrates that then were, till Your Majesty's further pleasure should be known; the reason suggested to Your Majesty for it, was taken from this Circumstance, That the Election ought to be made upon the Tuesday after *Michaelmas*, and (it happening this year that *Michaelmas* fell to be on a Tuesday) they were resolv'd to proceed to their Elections upon *Michaelmas*-day.

Though this was a very small Matter, and upon very good and prudent Considerations, resolv'd, as will afterward appear, yet was it represented to Your Majesty as a Factious Design, and an Innovation of dangerous Consequence, tending to create and maintain Faction in that City, contrary to Your Majesties Service. Your Majesties foresaid Letter being intimated to the Magistrates and Town-Counsel, they did immediately give exact obedience to the same.

They did also represent to Your Majesties Privy Council, the Rights that they had for chusing their own Magistrates, which had been granted to them by many of Your Majesties Royal Ancestors, and confirm'd by many Parliaments; by vertue of which they humbly conceived they ought to be suffered to proceed in their Elections.

They did also represent to Your Majesties Privy Council, the Reasons which had moved them to resolve of making their Elections on the said Tuesday, being *Michaelmas* day, which in short were, that by their Constitution they were oblig'd upon the Friday before *Michaelmas* to make the List out of which the Magistrates are to be chosen; after the doing of which there is a Surcease and Vacation of all ordinary Courts of *Judicature* within the Town, and the whole time is spent by the Common People and Tradesmen of the Town, in Rioting and Drinking, until the Elections be finished, which in this case would have been Twelve days; which they did in Prudence think they ought to shorten, not conceiving it contrary in the least to the established Rules of their Election.

2. On these things they did humbly crave Your Majesties Privy Council would be pleas'd to represent to Your Majesty, that thereby they might be freed from the suspicion of any Factious Design, with which they were charged by the said Letter.

This being, through the Influence of the Lord *Hatton*, refus'd by the Privy Council, they dispatched a Gentleman to the Duke of *Lauderdale*, with Letters and Instructions full of Respect and Submission to his Grace.

The Gentleman at his first arrival found Duke *Lauderdale* very kind, and was made believe he should be quickly dispatched with Answers according to his Desire; but some Delays having fallen in, the Duke of *Lauderdale* fell likewise upon thoughts of getting Money from the Town upon this occasion, and therefore pretending still more and more kindness to the said Gentleman; he did first by some Insinuations let fall to him his expectation, and at last flatly asked him if he had not brought a heavy Purse with him; which when he understood, he was not to expect, he changed his Method, and grew harsher; and having detained him Five or Six Weeks, he the said Duke entered into Consultation with his old Friend Sir *Andrew Ramsay*, how to order the Affair. By his Advice he did write a Letter and sent Proposals to the said Town, That they should give Bond and Security, That the Towns-



men should live regularly as to all matters Ecclesiastical in the largest extent, as the same is determined by the late Acts of Parliament; and to keep the Town free of all sorts of Tumults, either of Man or Woman: Judging that this was impossible for them to perform, and unfavourable to attempt, and that therefore it would oblige them to make offers of Money.

This Letter was all the Gentleman could obtain, and having gone back to *Scotland* and delivered it to the Magistrates, they were so far from being carried in the Design, that they were glad of that opportunity to witness their Zeal to serve Your Majesty; for they did very heartily comply with what was proposed concerning the Bonds and Securities demanded; and immediately urged that Your Majesties Officers and Lawyers would cause draw such Bonds and Securities as was fit for the purpose; offering good Security for great sums of Money for the performance. But this not being the thing truly intended, their ready Compliance with it, set them yet farther off from their desired Settlement, and served for no other intent than to cause the Lord *Hatton* to double his diligence to find out new means to molest them; to which end it was alledged by him, that they had of old forfeited their Privileges and Liberties by some great Misdemeanour, and that therefore they had not right to chuse their own Magistrates, for which he would needs have their Records searched; and accordingly they themselves, with their Books and Records, were in a most unusual manner brought often before him and his Friends, though they had not Authority for it, to the great Disturbance and Annoyance of the Citizens, by being abundantly jealous of their Liberties, were with no small care kept within the due Bounds of Moderation, by the Loyalty and Vigilancy of their Magistrates.

They the said Magistrates, finding how they were used at home by the Lord *Hatton*, did again apply themselves to the Duke of *Lauderdale*, both by private Letters to the Duke of *Lauderdale* and his Dutcheffs, from some of the most eminent of them, full of Assurances of particular Respect to their Graces, and by a publick Letter to him from the whole Town-Council, offering Bond and Security to him in the terms proposed by his fore-mentioned Letter. But this could not prevail, it being objected to them, from some frivolous things the Lord *Hatton* had scraped together out of their old Records, that they had lost their Liberties, and that the right of chusing their Magistrates did no more belong to them.

Then did they produce their Charters, and did convincingly clear all Mistakes, and evidently make appear that the right of chusing their own Magistrates did remain to them undoubtedly and intirely.

All these things being cleared and open, they expected to be restored to the free exercise of their Election in their accustomed manner. They were still kept off with Delays, until the Lord *Hatton*, in pursuance of his Design, fell a practising with some few of themselves, who did undertake with his assistance, to get such Elected as were fit for his ends; whereupon he writes to his Brother the Duke of *Lauderdale* to move Your Majesty for a Letter, and accordingly the Letter was procured from Your Majesty upon the Seventh of *August* 75; wherein Your Majesty, after reciting Your former Orders in that Affair, did declare, that You were well informed of their Obedience to Your Commands, and of their dutiful Carriage in Your Concerns; and therefore ordained them, the next day after the Receipt of the Letter, to convene their whole Council, after their accustomed manner, and out of the Lists already made, to Elect the Lord Provost, Bailies, and other Officers.

According to which Letter, they did the next day proceed to their Elections, but instead of those whom the Lord *Hatton* expected they would have chosen, they did Elect some men of good Fortunes and Integrity, not at all fit for his purpose (these who had ingaged to him not being men of that esteem or influence as to be able to carry his Design as they had undertaken.)

The new Magistrates and Council, did immediately after their Election, acquaint Your Majesty with their Procedure, and gave Your Majesty great Acknowledgments and Assurances of their care of the Peace of the Town, and of Your Majesty's Service in all Matters, both Ecclesiastical and Civil.

The said Lord *Hatton* being exceedingly enraged at this Act of theirs, did by Advice of Sir *George Mackynge*, now Your Majesties Advocate, send a Letter to the Duke of *Lauderdale*; to which he procured Your Majesties Hand upon the 25th of the same month of *August*, by which Your Majesty ordered Your Privy Council to intimate to the Magistrates and Town-Council, that it was Your Royal Pleasure that there should be turned out of the Town-Council and declared incapable of any Publique Trust in the said Town, Twelve of the most eminent of the

the ſame Men with whom your Maſteſty had expreſt your ſelf ſo well pleaſed, and whoſe Actings your Maſteſty had approved, by your Letter of the Seventh of the ſaid Month.

This was accordingly executed by the Privy-Council, without ever ſo much as calling before them the ſaid Perſons, though great Crimes were laid to their Charge, as being Factious Perſons, and miſ-repreſenting your Maſteſty's Proceedings, without mentioning any particular Fact of theirs which could import any ſuch Crime. And though they be threatned by the ſaid Letter to be purſued for theſe great Crimes, and that your Maſteſty's Advocate is commanded in the ſame to inſiſt againſt them, yet could they never obtain from your Maſteſty's Privy-Council that they ſhould be tryed for theſe things, though by a Petition ſigned by the whole Twelve, they did repreſent the great Prejudice they ſuſtained both in their Reputation and Trade, by being kept under ſuch Threatnings; and therefore did humbly offer themſelves to the ſtrictest and ſevereſt Tryal. To which Petition they never received any Answer.

To make appear to your Maſteſty that theſe things were done for private and finiſtrous Deſigns, and not upon account of the ill effectedneſs, or factious Diſpoſitions of the Men, as was pretended; Your Maſteſty is humbly prayed to take notice of theſe Particulars following.

Fiſt, There are three of the moſt conſiderable of theſe very Perſons who had been charged with ſo great Crimes, admitted ſince that time, by bribing the Dutcheſs of *Lauderdale*, into a Truſt in your Maſteſty's Affairs in *Scotland*, more eminent and conſiderable than any Truſt the Town of *Edenburgh* can confer, *via*. The paying off your Maſteſty's Forces, and bringing in your Maſteſty's Excife.

Secondly, No ſooner were theſe Twelve Men turned out of the Town Council, but after many great and eſſential Informalities (with the recital of which it is needleſs to trouble your Maſteſty) they elected for Magiſtrates Men of no Reputation, either for Parts, Eſtate, or Honeſty: And though theſe Bonds and Securities, which had been demanded from the others, and conſented to by them, was formerly pretended to be of great importance for your Maſteſty's Service, yet they were not ſo much as once demanded, either by the Duke of *Lauderdale*, or the Lord *Hutton*, from theſe Men who were now choſen.

Thirdly, Theſe new Magiſtrates were not long in their Seats, when off comes the Mask, and the true deſign of getting Money appears. For by an Act of the Town-Council there is about 5000 *l. Sterlin* diſpoſed on amongſt their nameleſs Friends, which were the Duke of *Lauderdale*, the Lord *Hutton*, and ſome other of their Friends. A great Sum to be got from that City, conſidering that the Duke of *Lauderdale* had got before that about 12000 *l. Sterlin* from them.

The Dutcheſs of *Lauderdale*, did alſo ſince that time endeavour to get more Money from them, and did with great Wrath threaten the Magiſtrates in plain Terms, for not giving her a Preſent, notwithstanding all the Good ſhe ſaid ſhe had done for them, reckoning the Favours your Maſteſty hath at any time been pleaſed to beſtow upon them, as done by her ſelf.

Thus hath that poor Town been abuſed, and doth now lie, having Magiſtrates without either Conduſt or Courage, in a time when the Diſorders of that Nation doth require Perſons to be employed there of eminent Fidelity and Capacity to ſerve your Maſteſty.

*His Maſteſty's Declaration for the Diſſolution of his late Privy Council, And for Conſtituting a New one, made in the Council-Chamber at White-Hall, April the twentieth, 1679.*

By His Maſteſty's Special Command.

*My Lords,*

**H**IS Maſteſty hath called you together at this time, to communicate unto you a Reſolution he hath taken in a matter of great Importance to his Crown and Government, and which he hopes will prove of the greateſt Satisfaction and Advantage to his Kingdoms in all Affairs hereafter, both at Home and Abroad; and therefore he doubts not of your Approbation, however you may ſeem concerned in it.

In

*His Majesty's Declaration*

In the first place, His Majesty gives you all Thanks for your Service to him here, and for all the good Advices you have given him, which might have been more frequent, if the great number of this Council had not made it unfit for the Secrecy and Dispatch that are necessary in many great Affairs. This forced him to use a smaller number of you in a Foreign Committee, and sometimes the Advices of some few among them (upon such Occasions) for many Years past. He is sorry for the ill success he has found in this Course, and sensible of the ill Posture of Affairs from that, and some unhappy Accidents, which have raised great Jealousies and Dissatisfaction among his good Subjects, and thereby left the Crown and Government in a Condition too weak for those Dangers we have reason to fear both at home and abroad.

These his Majesty hopes may be yet prevented by a Course of wise and steady Counsels for the future, and these Kingdoms grow again to make such a Figure as they have formerly done in the World, and as they may always do, if our Union and Conduct were equal to our Force. To this end he hath resolved to lay aside the use he may have hitherto made of any single Ministry or private Advices, or Foreign Committees for the general direction of his Affairs, and to constitute such a Privy-Council, as may not only by its number be fit for the Consultation and Digestion of all business both Domestick and Foreign, but also by the Choice of them out of the several Parts this State is composed of, may be the best informed in the true Constitutions of it, and thereby the most able to counsel him in all the Affairs and Interests of this Crown and Nation. And by the constant Advice of such a Council, his Majesty is resolved hereafter to govern his Kingdoms, together with the frequent use of his Great Council of Parliament, which he takes to be the true ancient Constitution of this State and Government.

Now for the greater Dignity of this Council, his Majesty resolves their constant number shall be limited to that of Thirty. And for their greater Authority, there shall be Fifteen of his chief Officers who shall be Privy Counsellors by their places. And for the other Fifteen, he will choose Ten out of the several Ranks of the Nobility, and Five Commoners of the Realm, whose known Abilities, Interest and Esteem in the Nation, shall render them without all suspicion of either mistaking or betraying the true Interests of the Kingdom, and consequently of advising him ill.

In the first place therefore, and to take care of the Church, his Majesty will have the Archbishop of *Canterbury*, and Bishop of *London* for the time being; and to inform him well in what concerns the Laws, the Lord Chancellor, and one of the Lord Chief Justices; For the Navy and Stores (wherein consists the chief Strength and Safety of the Kingdom) the Admiral and Master of the Ordnance; for the Treasury, the Treasurer and Chancellor of the Exchequer (or whenever any of these Charges are in Commission, then the first Commissioner to serve here in their room) the rest of the Fifteen, shall be the Lord Privy-Seal, the Master of the Horse, Lord Steward and Lord Chamberlain of his Household, the Groom of the Stole, and the two Secretaries of State. And these shall be all the Offices of his Kingdom to which the Dignity of Privy-Counsellor shall be annexed. The others his Majesty has resolved, and hopes he has not chosen ill. His Majesty intends besides, to have such Princes of his Blood as he shall at any time call to this Board, being here in Court. A President of the Council whenever he shall find it necessary, and the Secretary of *Scotland*, when any such shall be here. But these being uncertain, he reckons not of the constant number of Thirty, which shall never be exceeded.

To make way for this new Council, his Majesty hath now resolved to Dissolve this old one, and does hereby Dissolve it, and from this time excuses your farther attendance here, but with his repeated Thanks for your Service hitherto, and with the assurance of his Satisfaction in you so far, that he should not have parted with you, but to make way for this new Constitution, which he takes to be, as to the Number and Choice, the most proper and necessary for the uses he intends them. And as most of you have Offices in his Service, and all of you particular Shares in his Favour and good Opinion, so he desires you will continue to exercise and deserve them, with the same Diligence and good Affections that you have hitherto done, and with confidence of his Majesty's Kindness to you, and of those Testimonies you shall receive of it upon other occasions.

There-



Therefore upon the present Dissolution of this Council, his Majesty appoints and commands all those Officers he hath named, to attend him here to morrow at Nine in the Morning, as his Privy-Council, together with those other Persons he designs to make up the number, and to each of whom he has already signed particular Letters to that purpose, and commands the Lord Chancellor to see them issued out accordingly, which is the Form he intends to use, and that hereafter they shall be signed in Council, so that nothing may be done unadvisedly in the Choice of any Person to a Charge of so great Dignity and Importance to the Kingdom.

*Names of the Lords of His Majesty's most Honourable Privy-Council.*

**H**IS Highness Prince Rupert.

*William* Lord Archbishop of Canterbury.

*Heneage* Lord Finch, Lord Chancellor of England.

*Anthony* Earl of Shaftsbury, Lord President of the Council.

*Arthur* Earl of Anglesey, Lord Privy-Seal.

*Christopher* Duke of Albemarle.

*James* Duke of Monmouth, Master of the Horse.

*Henry* Duke of Newcastle.

*John* Duke of Lauderdale, Secretary of State for Scotland.

*James* Duke of Ormond, Lord Steward of the Household.

*Charles* Lord Marquess of Winchester.

*Henry* Lord Marquess of Worcester.

*Henry* Earl of Arlington, Lord Chamberlain of the Household.

*James* Earl of Salisbury.

*John* Earl of Bridgewater.

*Robert* Earl of Sunderland, one of his Majesty's Principal Secretaries of State.

*Arthur* Earl of Essex, first Lord Commissioner of the Treasury.

*John* Earl of Bath, Groom of the Stole.

*Thomas* Lord Viscount Falconberg.

*George* Lord Viscount Halifax.

*Henry* Lord Bishop of London.

*John* Lord Roberts.

*Denzil* Lord Holles.

*William* Lord Russell.

*William* Lord Cavendish.

*Henry* Coventry, Esq; one of his Majesty's Principal Secretaries of State.

*Sir Francis* North Knight, Lord Chief Justice of the Common Pleas.

*Sir Henry* Capell, Knight of the Bath, first Commissioner of the Admiralty.

*Sir John* Erle Knight, Chancellor of the Exchequer.

*Sir Thomas* Chicheley Knight, Master of the Ordnance.

*Sir William* Temple Baronet.

*Edward* Seymour Esquire.

*Henry* Powle Esquire.

*Whitehall, April 11. 1679.*

**H**IS Majesty being this day in Council, did cause such of the aforementioned Lords, and others, who were then present, to be Sworn Privy-Counsellors; which being done, they took their places accordingly.

His Majesty was also pleased to declare that he intended to make

*Sir Henry* Capell, Knight of the Bath.

*Daniel* Finch Esquire.

*Sir Thomas* Lee,

*Sir Humphrey* Winch, } Baronets.

*Sir Thomas* Meers,

*Edward* Vaughan, } Esquires.

and

*Edward* Hales.

Commissioners for the Execution of the Office of Lord High Admiral of England.

And his Majesty being afterwards come into the House of Peers, in his Royal Robes, and the House of Commons attending, his Majesty was pleased to make this Speech,

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My

*My Lords and Gentlemen,*

**I** Thought it requisite to acquaint you with what I have done now this day ; which is, That I have Established a new Privy-Council, the Constant number of which shall never exceed Thirty.

I have made choice of such Persons as are Worthy and able to Advise Me, and am Resolved in all My Weighty and Important Affairs, next to the Advice of my Great Council in Parliament ( which I shall very often Consult with ) to be Advised by this Privy-Council.

I could not make so great a Change without acquainting both Houses of Parliament.

And I desire you all to apply your selves heartily, as I shall do, to those things which are necessary for the good and safety of the Kingdom, and that no time may be lost in it.

*The Message from the King, by Mr. Secretary Jenkins to the Commons, on the 9th of November. 1680.*

CHARLES R.

**H**is Majesty desires this House, as well for the satisfaction of His People, as of Himself, to expedite such Matters as are depending before them, relating to Popery, and the Plot ; and would have them rest assured, That all Remedies they can tender to his Majesty, conducing to those Ends, shall be very acceptable to him ; Provided they be such as may consist with preserving the Succession of the Crown in its due and legal course of Descent.

*The Address to his Majesty from the Commons, Saturday, November 13. 1680.*

*May it please your most Excellent Majesty,*

**W**E, Your Majesty's most Loyal and Obedient Subjects, the Commons in this Present Parliament assembled, having taken into our most serious Consideration Your Majesty's Gracious Message brought unto us the ninth day of this instant *November*, by Mr. Secretary *Jenkins*, do with all thankfulness acknowledge Your Majesty's Care and Goodness in inviting us to expedite such Matters as are depending before us relating to Popery and the Plot. And we do, in all Humility, represent to Your Majesty, that we are fully convinced that it is highly incumbent upon us, in discharge both of our Duty to Your Majesty, and of that great Trust reposed in us, by those whom we represent, to endeavour, by the most speedy and effectual ways, the Suppression of Popery within this Your Kingdom, and the bringing to publick Justice all such as shall be found Guilty of the Horrid and Damnable Popish Plot. And though the Time of our Sitting ( abating what must necessarily be spent in the choosing and presenting a Speaker, appointing Grand Committees, and in taking the Oaths and Tests enjoined by Act of Parliament ) hath not much exceeded a Fortnight ; yet we have in this Time not only made a considerable Progress in some things which to us seem, and (when presented to Your Majesty in a Parliamentary way) will, we trust, appear to Your Majesty, to be absolutely necessary for the Safety of Your Majesties Person, the effectual Suppression of Popery, and the Security of the Religion, Lives, and Estates of Your Majesties Protestant Subjects. But even in relation to the Tryals of the Five Lords impeached in Parliament for the Execrable Popish Plot, we have so far proceeded, as we doubt not but in a short time we shall be ready for the same. But we cannot (without being unfaithful to Your Majesty, and to our Country, by whom we are entrusted) omit, upon this occasion, humbly to inform Your Majesty, that our Difficulties, even as to these Tryals, are much increased by the evil and destructive Councils of those Persons who advised Your Majesty, first, to the Prorogation, and then, to the Dissolution of the last Parliament ; at a time when the Commons had taken great pains about, and were prepared for those Tryals. And by the like pernicious Councils of those who advised the many and long Prorogations of the present Parliament, before the same was permitted to sit ; where-  
by

by some of the Evidence which was prepared in the last Parliament may possibly (during so long an Interval) be forgotten or lost, and some Persons, who might probably have come in as Witnesses, are either dead, have been taken off, or may have been discouraged from giving their Evidence. But of one mischievous Consequence of those dangerous and unhappy Councils we are certainly and sadly sensible, namely, That the Testimony of a material Witness against every of those Five Lords (and who could probably have discovered and brought in much other Evidence about the Plot in general, and those Lords in particular) cannot now be given *viva voce*. Forasmuch as that Witness is unfortunately dead between the Calling and the Sitting of this Parliament: To prevent the like, or greater Inconveniences for the future, We make it our most humble Request to Your Excellent Majesty, that as You tender the Safety of Your Royal Person, the Security of Your Loyal Subjects, and the Preservation of the True Protestant Religion, You will not suffer your Self to be prevailed upon by the like Councils to do any thing which may occasion in consequence (though we are assured never with Your Majesties Intention) either the deferring of a full and perfect Discovery and Examination of this most wicked and detestable Plot, or the preventing the Conspirators therein from being brought to speedy and exemplary Justice and Punishment. And we humbly beseech your Majesty to rest assured (notwithstanding any Suggestions which may be made by persons, who, for their own wicked purposes, contrive to create a distrust in your Majesty of Your People,) That nothing is more in the Desires, and shall be more the Endeavours of us, Your faithful and loyal Commons, than the promoting and advancing of your Majesties true Happiness and Greatness.

*The Address of the Commons in Parliament to his Majesty, to remove Sir George Jeffreys out of all Publick Offices.*

WE your Majesties most Dutiful and Loyal Subjects the Commons in Parliament assembled, having received a Complaint against Sir *George Jeffreys* Knight, your Majesties Chief Justice of *Chester*, and heard the Evidence concerning the same, and also what he did alledge and prove in his Defence. And being thereupon fully satisfied that the said Sir *George Jeffreys*, well knowing that many of your Loyal Protestant Subjects, and particularly those of your Great and Famous City of *London*, out of Zeal for the Preservation of the Protestant Religion, your Majesties Royal Person and Government, and in hopes to bring the Popish Conspirators to speedy Justice, were about to Petition to your Majesty in an Humble, Dutiful and Legal way, for the Sitting of this Parliament, the said Sir *George Jeffreys* not regarding his Duty to your Majesty, or the welfare of your People, did on purpose to serve his own private Ends, and to create a Mis-understanding between your Majesty and your Good Subjects, though disguised with pretence of Service to your Majesty, maliciously declared such Petitioning, sometimes to be Tumultuous, Seditious and Illegal, and at other times did presume publickly to insinuate and assert, as if your Majesty would deprive your Citizens of *London* of their Charters, and divers other Priviledges, Immunities and Advantages, and also of your Royal Favour in case they should so Petition, and also did publickly declare that in case they should so Petition, there should not be any Meeting or Sitting of Parliament, thereby traducing your Majesty, as if you would not pursue your Gracious Intentions, the rather because they were grateful to your good Subjects, do, in most humble manner beseech your Majesty to remove the said Sir *George Jeffreys* out of the said Place of Chief Justice of *Chester*, and out of all other Publick Offices and Employments under your Majesty.

His Majesty by Mr. Secretary *Jenkins* was pleased to return Answer to this Address, That he would consider of it.

*His*



*His Majesties Message to the Commons in Parliament, Relating to Tangier.*

CHARLES REX.

**H**is Majesty did in His Speech, at the opening of this Session, desire the Advice and Assistance of His Parliament, in relation to *Tangier*: The Condition and Importance of the Place obliges His Majesty to put this House in mind again, that He relies upon them for the support of it, without which it cannot be much longer Preserved. His Majesty does therefore very earnestly Recommend *Tangier* again to the due and speedy Consideration and Care of this House.

*The Humble Address of the Commons in Parliament assembled, Presented to His Majesty, Monday 29th. day of November 1680. in Answer to that Message.*

*May it please your Most Excellent Majesty,*

**W**E Your Majesties most Obedient and Loyal Subjects, The Commons in Parliament Assembled, having with all Duty and Regard taken into our serious Consideration Your Majesties late Message relation to *Tangier*, cannot but account the present Condition of it, as Your Majesty is Pleased to represent in Your said Message, (after so vast a Treasure expended to make it Useful) not only as one Infelicity more added to the afflicted Estate of Your Majesties Faithful and Loyal Subjects, but as one result also of the same Councils and Designs which have brought Your Majesties Person, Crown and Kingdoms into those great and imminent Dangers, with which at this day they are surrounded; And we are the less surpris'd to hear of the Exigencies of *Tangier*, when we remember that since it became a part of Your Majesties Dominions, it hath several times been under the Command of Popish Governours, (particularly for some time under the Command of a Lord Impeached, and now Prisoner in the *Tower* for the Execrable and Horrid Popish Plot) That the Supplies sent thither have been in great part made up of Popish Officers and Soldiers, and that the *Irish* Papists amongst the Soldiers of that Garrison, have been the Persons most Countenanced and Encouraged.

To that part of your Majesties Message which expresses a reliance upon this House for the support of *Tangier*, and a recommendation of it to our speedy care, We do with all humility and reverence give this Answer, That although in due Time and Order, we shall omit nothing incumbent on Us for the preservation of every part of your Majesties Dominions, and advancing the prosperity and flourishing Estate of this your Kingdom; yet at this time, when a Cloud which has long threaten'd this Land is ready to break upon our heads in a storm of Ruine and Confusion, to enter into any further consideration of this matter; especially to come to any resolutions in it, before we are effectually secured from the imminent and apparent Dangers arising from the Power of Popish Persons and Councils, We humbly conceive will not consist either with our Duty to your Majesty, or the Trust reposed in Us by those we represent.

It is not unknown to your Majesty how restless the Endeavours, and how bold the Attempts of the Popish Party, for many years last past, have been, not only within this, but other your Majesties Kingdoms, to introduce the Romish, and utterly to extirpate the true Protestant Religion. The several Approaches they have made towards the compassing this their Design (assisted by the Treachery of perfidious Protestants,) have been so strangely successful, that 'tis matter of Admiration to Us, and which we can only ascribe to an Over-ruling Providence, that your Majesties Reign is still continued over Us, and that We are yet assembled to consult the means of our preservation; This bloody and restless Party not content with the great Liberty they had a long time enjoyed to exercise their own Religion privately amongst themselves, to partake of an equal Freedom of their persons and Estates with your Majesties Protestant Subjects, and of an Advantage above them, in being excused from chargeable Offices and Employments, hath so far prevailed, as to find countenance for an open and avowed practice of their Superstition and Idolatry, without controul, in several parts of this Kingdom. Great swarms of Priests and Jesuits have resorted hither, and have here exercised their Jurisdiction,

ridiculous, and been daily tampering to pervert the Consciences of your Majesties Subjects. Their Opposers they have found means to disgrace, and if they were Judges, Justices of the Peace, or other Magistrates, to have them turned out of Commission: and in contempt of the known Laws of the Land, they have practised upon people of all Ranks and qualities, and gained over divers to their Religion; some openly to profess it, others secretly to espouse it, as most conduced to the service thereof.

After some time they became able to influence matters of State and Government, and thereby to destroy those they cannot corrupt. The continuance or Prorogation of Parliaments has been accommodated to serve the purposes of that Party. Money raised upon the People to supply your Majesties extraordinary Occasions, was by the prevalence of Popish Councils employed to make War upon a Protestant State, and to advance and augment the dreadful Power of the French King, though to the apparent hazard of this, and all other Protestant Countries. Great numbers of your Majesties Subjects were sent into, and continued in the service of that King, notwithstanding the apparent Interest of your Majesties Kingdoms, the Addresses of the Parliament, and your Majesties gracious Proclamations to the contrary. Nor can We forbear to mention, how that at the beginning of the same War, even the Ministers of *England* were made Instruments to press upon that State, the acceptance of one demand, among others, from the French King for procuring their peace with him, that they should admit the publick exercise of the Roman Catholick Religion in the United Provinces, the Churches there to be divided, and the Romish Priests maintained out of the publick Revenue.

At home, if Your Majesty did at any time by the Advice of Your Privy-Council, or of Your two Houses of Parliament, Command the Laws to be put in Execution against Papists, even from thence they gained advantage to their Party, while the edge of those Laws was turned against Protestant Dissenters, and the Papists escaped in a manner untouched. The Act of Parliament, enjoining a Test to be taken by all Persons admitted into any Publick Office and intended for a security against Papists coming into Employment, had so little effect, that either by Dispensations, obtained from *Rome*, they submitted to those Tests, and held their Offices themselves, or those put in their places, were so favourable to the same Interests, that Popery it self has rather gained than lost ground since that Act.

But that their business in hand might yet more speedily and strongly proceed, at length a Popish Secretary (since Executed for his Treasons) takes upon him to set afoot and maintain correspondencies at *Rome* (particularly with a Native Subject of Your Majesties, promoted to be a Cardinal) and in the Courts of other Forreign Princes (to use their own form of Speech) for the subduing that Pestilent Heresie, which has so long domineered over this Northern World; that is, to root the Protestant religion out of *England*, and thereby to make way the more easily to do the same in other Protestant Countries.

Towards the doing this great Work, (as Mr. Coleman was pleased to call it) Jesuits (the most dangerous of all Popish Orders to the Lives and Estates of Princes) were distributed to their several Precincts within this Kingdom, and held joint Councils with those of the same Order in all Neighbour Popish Countries: Out of these Councils and Correspondencies was hatcht that damnable and hellish Plot, by the good Providence of Almighty God brought to light above two Years since, but still threatening us; wherein the Traitors impatient of longer delay, reckoning the prolonging of Your Sacred Majesties Life (which God long Preserve) as the Great Obstacle in the way to the Consummation of their hopes, and having in their prospect a Profelyted Prince immediately to succeed in the Throne of these Kingdoms, resolved to begin their Work with the Assassination of Your Majesty, to carry it on with Armed Force, to destroy Your Protestant Subjects in *England*, to Execute a second Massacre in *Ireland*, and so with ease to arrive at the suppression of our Religion, and the subversion of the Government.

When this Accursed Conspiracy began to be discovered, they began the smothering it with the Barbarous Murder of a Justice of the Peace, within one of Your Majesties own Palaces, who had taken some Examinations concerning it.

Amidst these distractions and fears, Popish Officers, for the Command of Forces were allowed upon the Musters by special Orders (surreptitiously obtained from Your Majesty) but Counter-Signed by a Secretary of State, without ever passing under the Tests prescribed by the aforementioned Act of Parliament. In like manner above fifty new Commissions were granted about the same time to known Papists, besides a great number of desperate Popish Officers, though out of Com-

mand, yet entertain'd at half pay. When in the next Parliament the House of Commons were prepared to bring to a legal Tryal the principal Conspirators in this Plot, that Parliament was first Prorogued, and then Dissolved. The Interval between the Calling and Sitting of this Parliament was so long, that now they conceive Hopes of covering all their past Crimes, and gaining a seasonable time and advantages of practising them more effectually.

Witnesses are attempted to be corrupted, and not only promises of Reward, but of the Favour of your Majesty's Brother, made the Motives to their Compliance. Divers of the most considerable of your Majesty's Protestant Subjects have Crimes of the highest nature forged against them, the Charge to be supported by Subornation and Perjury, that they may be destroyed by Forms of Law and Justice.

A Presentment being prepared for a Grand Jury of *Middlesex*, against your Majesty's said Brother the Duke of *York*, (under whose Countenance all the rest shelter themselves) the Grand Jury were in an unheard of and unprecedented, and illegal manner discharged; and that with so much haste, and fear lest they should finish that Presentment, that they were prevented from delivering many other Indictments by them at that time found against other Popish Recusants. Because a Pamphlet came forth Weekly, called, *The Weekly Pacquet of Advice from Rome*, which exposes Popery (as it deserves) as ridiculous to the People, a new and arbitrary Rule of Court was made in your Majesty's Court of King's Bench (rather like a Star-Chamber than a Court of Law) That the same should not for the future be Printed by any Person whatsoever.

We acknowledge your Majesty's Grace and Care in issuing forth divers Proclamations since the Discovery of the Plot, for the banishing Papists from about this great City, and Residence of your Majesty's Court, and the Parliament; but with trouble of Mind we do humbly inform your Majesty, That notwithstanding all these Prohibitions, great Numbers of them, and of the most dangerous Sort, to the Terrour of your Majesty's Protestant Subjects, do daily resort hither, and abide here. Under these and other sad Effects and Evidences of the Prevalency of Popery, and its Adherents, We Your Majesty's Faithful Commons found this your Majesty's distressed Kingdom, and other parts of your Dominions labouring, when we assembled.

And therefore from our Allegiance to your Majesty, our Zeal to our Religion, our Faithfulness to our Country, and our Care of *Posterity*, We have lately, upon mature deliberation, proposed one Remedy of these Great Evils, without which (in our Judgments) all others will prove vain and fruitless, and (like all deceitful Securities against certain Dangers) will rather expose your Majesty's Person to the greatest hazard, and the people, together with all that's valuable to them as Men or Christians, to utter Ruine and Destruction. We have taken this Occasion of an Access to your Majesty's Royal Presence, humbly to lay before your Majesty's great Judgment and Gracious Consideration this most dreadful design of introducing Popery, and, as necessary consequences of it, all other Calamities, into your Majesty's Kingdoms. And if after all this, the private Suggestions of the subtle Accomplices of that Party and Design should yet prevail, either to elude or totally obstruct the faithful Endeavours of Us your Commons for an Happy Settlement of this Kingdom, We shall have this remaining Comfort, That we have freed our selves from the Guilt of that Blood and Desolation which is like to ensue. But our only Hope, next under God, is in your Sacred Majesty, That by your Great Wisdom and Goodness, we may be effectually secured from Popery, and all the Evils that attend it; and that none but persons of known Fidelity to your Majesty, and Sincere Affections to the Protestant Religion, may be put into any Employment, Civil or Military; that whilst we shall give a Supply to *Tangier*, we may be assured we do not augment the Strength of our Popish Adversaries, nor encrease our own Dangers. Which Desires of your faithful Commons, if your Majesty shall graciously vouchsafe to grant, We shall not only be ready to assist your Majesty in Defence of *Tangier*, but do whatsoever else shall be in our Power to enable your Majesty to protect the Protestant Religion and Interest, at Home and abroad, and to Resist and Repel the Attempts of your Majesty's and the Kingdoms Enemies.



*The Humble Address of the House of Commons presented to His Majesty upon Tuesday the 21<sup>st</sup> Day of December, 1680. In Answer to His Majesty's Gracious Speech to both Houses of Parliament, upon the 15<sup>th</sup> Day of the same December.*

*May it please Your most Excellent Majesty.*

**W**E your Majesty's most Dutiful and Loyal Subjects, the Commons in this present Parliament Assembled, have taken into our serious Consideration your Majesty's Gracious Speech to both your Houses of Parliament, on the 15<sup>th</sup> of this instant December; and do with all the grateful Sense of Faithful Subjects, and sincere Protestants, acknowledge your Majesty's great Goodness to us, in renewing the Assurances you have been pleased to give us of your readiness to concur with us in any means for the Security of the Protestant Religion, and your Gracious Invitation of us to make our Desires known to your Majesty.

But with grief of Heart we cannot but observe, that to these Princely Offers your Majesty has been advised (by what Secret Enemies to Your Majesty and your People, we know not) to annex a Reservation, which if insisted on, in the instance to which alone it is applicable, will render all your Majesty's other Gracious Inclinations of no effect or advantage to us. Your Majesty is pleased thus to limit your promise of concurrence in the Remedies which shall be proposed, that they may consist with preserving the Succession of the Crown in its due and legal course of Descent. And we do humbly inform your Majesty, that no Interruption of that Descent has been endeavoured by us, except only the Descent upon the Person of the Duke of York, who by the wicked Instruments of the Church of Rome, has been manifestly perverted to their Religion. And we do humbly represent to your Majesty, as the Issue of our most deliberate Thoughts, and Consultations, that for the Papists to have their hopes continued, that a Prince of that Religion shall succeed in the Throne of these Kingdoms, is utterly inconsistent with the Safety of your Majesty's Person, the Preservation of the Protestant Religion, and the Prosperity, Peace and Welfare of your Protestant Subjects.

That your Majesty's Sacred Life is in continual danger, under the prospect of a Popish Successor, is evident, not only from the Principles of those devoted to the Church of Rome, which allow that an Heretical Prince (and such they term all Protestant Princes) Excommunicated and deposed by the Pope, may be destroyed and murder'd; but also from the Testimonies given in the prosecution of the Horrid Popish Plot, against divers Traitors Attainted for designing to put those accursed Principles into practice against your Majesty.

From the expectation of this Succession, has the number of Papists in your Majesty's Dominions so much encreased within these few years, and so many been prevailed with to desert the true Protestant Religion, that they might be prepared for the Favours of a Popish Prince, as soon as he should come to the possession of the Crown: and while the same Expectation lasts, many more will be in the same danger of being perverted.

This it is that has hardned the Papists of this Kingdom, animated and confederated by their Priests and Jesuits, to make a common Purse, provide Arms, make application to Foreign Princes and sollicite their Aid for imposing Popery upon us; And all this even during your Majesty's Reign, and while your Majesty's Government, and the Laws were our protection.

It is your Majesty's Glory and true Interest, to be the Head and Protector of all Protestants, as well abroad as at home: But if these Hopes remain, what Alliances can be made for the advantage of the Protestant Religion and Interest, which shall give confidence to your Majesty's Allies, to joyn so vigorously with your Majesty, as the State of that Interest in the World now requires, while they see this Protestant Kingdom in so much danger of a Popish Successor; by whom at the present, all their Councils and Actions may be eluded, as hitherto they have been, and by whom, if he should succeed, they are sure to be destroyed?

We

We have thus humbly laid before your Majesty, some of those great Dangers and Mischiefs which evidently accompany the expectation of a *Popish Successor*. The certain and unspeakable Evils which will come upon your Majesty's *Protestant Subjects* and their posterity, if such a Prince should inherit, are more also than we can well enumerate.

Our Religion, which is now so dangerously shaken, will then be totally overthrown; Nothing will be left, or can be found to protect or defend it.

The execution of old Laws must cease, and it will be vain to expect new ones. The most sacred Obligations of Contracts and Promises (if any should be given) that shall be judged to be against the interest of the *Romish Religion*, will be violated; as is undeniable, not only from Argument and Experience elsewhere, but from the sad experience this Nation once had on the like occasion.

In the Reign of such a Prince, the Pope will be acknowledged Supream (though the Subjects of this Kingdom have sworn the contrary) and all Causes, either as Spiritual, or in order to Spiritual Things, will be brought under his Jurisdiction.

The Lives, Liberties, and Estates of all such *Protestants*, as value their Souls and their Religion more than their secular Concernments, will be adjudged forfeited.

To all this we might add: That it appears in the discovery of the Plot, that Forreign Princes, were invited to assist in securing the Crown to the Duke of *York*; with Arguments from his great Zeal to establish Popery, and to extirpate *Protestants* (whom they call *Hereticks*) out of his Dominions; and such will expect performance accordingly.

We further humbly beseech Your Majesty, in Your great Wisdom to consider, Whether in case the Imperial Crown of this Protestant Kingdom, should descend to the Duke of *York*; the opposition which may possibly be made to his possessing it, may not only endanger the farther descent in the Royal Line, but even Monarchy it self.

For these Reasons, we are most humble Petitioners to your most Sacred Majesty, That in tender commiseration of your poor Protestant people, Your Majesty will be graciously pleased to depart from the Reservation in Your said Speech; and when a Bill shall be tendred to your Majesty, in a Parliamentary way, to disable the Duke of *York* from inheriting the Crown, Your Majesty will give your Royal Assent thereto; and as necessary to fortify and defend the same, that your Majesty will likewise be graciously pleased to Assent to an Act whereby your Majesty's Protestant Subjects may be enabled to Associate themselves for the defence of your Majesty's Person, the Protestant Religion, and the Security of your Kingdoms.

These Requests we are constrained Humbly to make to your Majesty as of absolute Necessity, for the safe and peaceable Enjoyment of our Religion.

Without these things the Alliances of *England* will not be valuable, nor the People encouraged to contribute to your Majesties Service.

As some farther means for the Preservation both of our Religion and Propriety; We are Humble Suiters to your Majesty, that from henceforth such Persons onely may be Judges within the Kingdom of *England* and Dominion of *Wales*, as are Men of Ability, Integrity, and known Affection to the Protestant Religion. And that they may hold both their Offices and Sallaries, *Quam diu se bene gesserint*. That (several Deputy-Lieutenants and Justices of the Peace, fitly qualified for those Employments, having been of late displaced, and others put in their room, who are Men of Arbitrary Principles, and Countenancers of *Papists* and Popery) such onely may bear the Office of a Lord-Lieutenant as are Persons of integrity and known Affection to the Protestant Religion. That Deputy-Lieutenants and Justices of the Peace may be also so qualified, and may be moreover Men of Ability, of Estates and interest in their Countrey.

That none may be Employed as Military Officers, or Officers in your Majesties Fleet, but Men of known Experience, Courage and Affection to the Protestant Religion.

These our Humble Requests being obtained, we shall on our part be ready to Assist your Majesty for the Preservation of *Tangier*, and for putting your Majesties Fleet into such a Condition as it may preserve your Majesties Sovereignty of the Seas, and be for the Defence of the Nation.

If your Majesty hath or shall make any necessary Alliances for defence of the Protestant Religion, and Interest and Security of this Kingdom, this House will be ready to Assist and stand by your Majesty in the support of the same.

After

After this our humble Answer to your Majesties Gracious Speech, we Hope no evil Instruments whatsoever shall be able to lessen your Majesties Esteem of that Fidelity and Affection we bear to your Majesties Service; but that your Majesty will always retain in your Royal Breast, that Favourable Opinion of us your Loyal Commons, that those other Good Bills which we have now under Consideration, Conducing to the Great Ends we have before mentioned; as also all Laws for the Benefit and Comfort of your People, which shall from time to time be tendered for your Majesties Royal Assent, shall find acceptance with your Majesty.

*The Report of the Committee of the Commons appointed to Examine the Proceedings of the Judges, &c.*

THIS Committee being Inform'd, that in *Trinity-Term* last, the Court of *Kings-Bench* discharg'd the Grand Jury, that serv'd for the Hundred of *Ossulston*, in the County of *Middlesex*, in a very unusual manner; proceeded to enquire into the same, and found by the Information of *Charles Umfrevil*, Esq; Foreman of the said Jury, *Edward Proby*, *Henry Gerard*, and *John Smith*, Gentlemen, also of the said Jury, That on the 21<sup>st</sup> of *June* last the Constables attending the said Jury, were found Defective, in not presenting the *Papists* as they ought, and thereupon were ordered by the said Jury to make further Presentments of them on the 26. following, on which Day the *Jury* met for that purpose; when several Peers of this Realm, and other Persons of Honour and Quality, brought them a Bill against *James Duke of York*, for not coming to Church: But some exceptions being taken to that Bill, in that it did not set forth the said Duke to be a *Papist*, some of the *Jury* Attended the said persons of Quality to receive satisfaction therein. In the mean time, and about an Hour after they had received the said Bill, some of the *Jury* attended the Court of *Kings-Bench* with a Petition, which they desired the Court to present in their Name unto His Majesty for the Sitting of this Parliament. Upon which the Lord Chief Justice *Scrogs* raised many Scruples, and on pretence that they were not all in Court (tho' twenty of the *Jury* had subscribed the Petition) sent for them, saying, he would dispatch them presently. The *Jury* being come, and their Names called over, they renewed their Desire that the Court would present their Petition: But the Chief Justice ask'd, if they had any Bills? they Answered, They had, but the Clerks were drawing them into Form: Upon which the Chief Justice said, They would not make two Works of one Business: and the Petition being Read, he said, This was no Article of their Charge, nor was there any Act of Parliament that required the Court to deliver the Grand Jury's Petitions: That there was a Proclamation about them; And that it was not reasonable the Court should be obliged to run on their Errands: And he thought it much, that they should come with a Petition to alter the Kings Mind declared in the News Books. The *Jury* said, They did it not to Impose on the Court, but (as other *Juries* had done) with all Submission they desired it: But the Court refused, bidding the Cryer return them their Petition: And Mr. Justice *Jones* told them, They had meddled with Matters of State, not given them in Charge, but presented no Bills of the Matters given in Charge. They answered as before, They had many before them, that would be ready in due time. Notwithstanding which, the said Justice *Jones* told them, They were Discharged from further Service. But *Philip Ward* (the Clerk that attended the said *Jury*) cried out, No, No, they have many Bills before them; for which the Court understanding (as it seems to this Committee) a secret Reason, which the Clerk did not, reproved him, Asking if he or they were to give the Rule there? The Cryer then told the Court, They would not receive their Petition; the Chief Justice bid him let it alone; so it was left there, and the *Jury* return'd to the Court-House, and there found several Constables with Presentments of *Papists* and other Offenders, as the *Jury* had directed them on the 21<sup>st</sup> before, but could not now receive the said Presentments, being discharged. Whereby much business was obstructed, tho' none of the said Informants ever knew the said *Jury* discharged before the last day of the Term, which was not till Four days after. And it further appeareth to the Committee, by the Evidences of *Samuel Astrey*, *Jasper Waterhouse*, and *Philip Ward*, Clerks, that have long served in the said Court, That they were much surpris'd at the said discharging of the *Jury*, in that it was never done in their Memory before; and the rather, because the said



*Waterbouse*, as Secondary, constantly enters on that *Grand Jury's* Paper that the last day of the Term is given them to return their Verdict on, as the last day but one is given to the other Two *Grand Juries* of that County, which Entry is as followeth;

*Trinit. 32. Car. 2.*

*Middlesex.  
Ossulston  
Hundred*

*Juratores habent diem ad Verdictum suum reddendum usq; diem Mercurii proxime post tres Septimanas, sancte Trinitatis.*

Being the last day of the Term, and so in all the other Terms the last day is given; which makes it appear to this Committee, That they were not in truth Discharged for not having their Presentments ready, since the Court had given them a longer day, but only to obstruct their further Proceedings: And it appeareth by the Evidence aforesaid to this Committee, that the four Judges of that Court were present at the Discharging of the said *Jury*, and it did not appear that any of them did Dissent therein; upon Consideration whereof, the Committee came to this Resolution.

*Resolved*, That it is the Opinion of this Committee, That the Discharging of the *Grand Jury* of the Hundred of *Ossulston*, in the County of *Middlesex*, by the Court of *Kings-Bench* in *Trinity-Term* last, before the last day of the Term, and before they had finisht their Presentments, was Illegal, Arbitrary, and an High Misdemeanour.

This Committee proceeded also to inquire into a Rule of the Court of *Kings-Bench*, lately made against the publishing a Book called, *The weekly Pacquet of Advice from Rome*; or *The History of Popery*: and *Samuel Astrey* Gent. examined thereupon, inform'd this Committee, that the Author of the said Book *Henry Carr*, had been informed against for the same, and had pleaded to the Information: But before it was Tryed, a Rule was made on a Motion, as he supposeth, against the said book: All the Judges of that Court (as he remembers) being present, and none dissenting. The Copy of which Rule he gave into this Committee, and is as followeth.

*Dies Mercurij proxime post tres Septimanas, sancte Trinitatis. Anno 32 Car. 2. Regis.*

*Ordinatum est quod liber intitulat, The Weekly Pacquet of Advice from Rome, or, The History of Popery, non ulterius Imprimatur vel publicetur per aliquam Personam quamcunque Per Cur.*

And this Committee admiring that Protestant Judges should take offence against a Book whose chief design was to expose the Cheats and Foppery of Popery, enquired further into it, and found by the Evidence of *Jane Curtis*, that the said Book had been Licens'd for several Months, that her Husband paid for the Copy, and enter'd it in the Hall-Book of the Company: But for all this, she could not prevail by these Reasons with the Lord Chief Justice *Scroggs* to permit it any longer; who said, 'Twas a Scandalous Libel, and against the King's Proclamation, and he would ruine her if ever she printed it any more. And soon after she was served with the said Rule, as the Author and other Printers were; and by the Author's Evidence it appears, That he was taken and brought before the said Chief Justice by his Warrant above a year since, and upon his owning he writ part of that Book, the Chief Justice called him Rogue, and other ill names; saying, he would fill all the Goals in *England* with such Rogues, and pile them up as men do Faggots; and so committed him to prison, refusing sufficient Bayl, and saying, he would Goal him to put him to charges; and his Lordship observed his word punctually therein, forcing him to his *Habeas Corpus*, and then taking the same Bayl he refused before; upon which, this Committee came to this Resolution.

*Resolved*, That it is the opinion of the Committee, that the Rule made by the Court of *Kings-Bench* in *Trinity Term* last, against printing a Book called, *The Weekly Pacquet of Advice from Rome*, is Illegal and Arbitrary.

And the Committee proceeded further, and upon Information that a very great latitude had been taken of late by the Judges, in imposing Fines on the persons found Guilty before them, caused a Transcript of all the Fines imposed by the *Kings-Bench* since *Easter Term* in the 28th of His Majesty's Reign, to be brought before

before them from the said Court by *Samuel Astrey* Gent. by perusal of which, it appear'd to this Committee, That the quality of the Offence, and the Ability of the person found Guilty, have not been the Measures that have determined the quantity of many of these Fines, which being so very numerous, the Committee refer themselves to those Records as to the general, instancing in some particulars, as followeth.

Upon *Joseph Brown* of London Gent. on an Information for publishing a printed Book called, *The Long Parliament Dissolved*; in which is set forth these words: *Nor let any man think it strange, that we account it Treason for you to sit and Act contrary to our Laws: for if in the first Parliament of Richard the second, Grimes and Weston for lack of Courage only were adjudged guilty of High Treason for surrendering the places committed to their trust; how much more you, if you turn Renegadoes to the people that intrusted you, and as much as in you lie surrender not a little pitiful Castle or two, but all the legal defence the people of England have for their Lives, Liberties, and Properties, at once. Neither let the vain persuasion delude you, That no perfidant can be found, that one English Parliament hath hang'd up another; tho' peradventure even that may be proved a mistake; for an unpresidential Crime calls for an unpresidential punishment; and if you shall be so wicked to do the one, or rather endeavour to do (for now you are no longer a Parliament) what ground of Confidence you can have that none will be found so worthy to do the other, we cannot understand, and do faithfully promise, if your unworthiness provoke us to it, that we will use our best and utmost endeavours (whenever a new Parliament shall be called) to chuse such as may convince you of your mistake: the old and infallible Observation, That Parliaments are the pulse of the people, shall lose its esteem: or you will find, that this your presumption was over fond; however it argues but a bad mind to sin, because it's believed it shall not be punished.* The Judgment was, That he be fin'd 1000 Marks, be bound to the good behaviour for seven years, and his name struck out of the Roll of the Attorneys, without any offence alledged in his said Vocation. And the publishing this Libel consisted only in superscribing a Pacquet, with this inclosed to the East Indies. Which Fine he not being able to pay (living only upon his practice) he lay in prison for three years, till His Majesty graciously pardon'd him, and recommended him to be restored to his place again of Attorney, by His Warrant dated the 15. of Decem. 1679. Notwithstanding which, he has not yet obtained the said Restauration from the Court of Kings Bench.

Upon *John Harrington* of London, Gent. for speaking these words in Latin thus: *Quod nostra Gubernatio de tribus statibus consistat, & si Rebellio eveniret in regno, & non accideret contra omnes tres status, non est Rebellio.* A Fine of 1000 l. Sureties for the Good behaviour for seven years, and to recant the words in open Court; which Fine he was in no capacity of ever paying.

Upon *Benjamin Harris* of London, Stationer, on an Information for printing a Book call'd, *An Appeal from the Countrey to the City*, setting forth these words: *We in the Countrey have done our parts, in chusing for the generality good Members to serve in Parliament: but if (as our two last Parliaments were) they must be dissolved or prorogued whenever they come to redress the grievances of the Subject, we may be pitied, not blam'd, if the Plot takes effect; and in all probability it will. Our Parliaments are not then to be condemn'd, for that their not being suffer'd to sit, occasion'd it.* Judgment to pay 500 l. Fine, stand on the Pillory an hour, and give Sureties for the good behaviour for three years. And the said *Benj. Harris* inform'd this Committee, That the Lord Chief Justice *Scroggs* prest the Court then to add to this Judgment his being publicly whipt; but Mr. Justice *Pemberton* holding up his hands in admiration at their severity therein, Mr. Justice *Jones* pronounc'd the Judgment aforesaid; and he remains yet in prison, unable to pay the said Fine.

Notwithstanding which Severity in the cases forementioned, this Committee has observed the said Court has not wanted in other cases an extraordinary Compassion and Mercy, though there appear'd no publick reason judicially in the Trial; as in particular:

Upon *Thomas Knox* Principal, on an Indictment of Subornation and Conspiracy against the Testimony and life of Dr. *Oats* for Sodomy; and also against the Testimony of *William Bedloe*; a Fine of 200 Marks, a years Imprisonment, and to find Sureties for the good behaviour for three years.

Upon *John Lane*; for the same offence, a Fine of 100 Marks, to stand in the Pillory for an hour, and to be imprison'd for one year,

Upon

- Par. 32. Car. 2. Upon *John Tasborough* Gent. on an Indictment for Subornation of *Stephen Dugdale*, tending to overthrow the whole Discovery of the Plot: The said *Tasborough* being affirmed to be a Person of good Quality, a Fine of 100 l.
- Eod. Ter. Upon *Ann Price* for the same offence, 200 l.
- Trin. 32. C. 2. Upon *Nathaniel Thompson* and *William Badcock*, on an Information for Printing and Publishing weekly a Libel, call'd *The true Domestic Intelligence*, or *News both from City and Country*, and known to be Popishly affected, a Fine of 3, 6, 8, on each of them.
- Eod. Ter. Upon *Matthew Turner*, Stationer, on an Information for vending and publishing a Book, call'd *the Compendium*, wherein the Justice of the Nation in the late Tryals of the Popish Conspirators, even by some of these Judges themselves, is highly Arraign'd; and all the Witnesses for the King horribly aspers'd: and this being the common notorious Popish Book-feller of the Town, Judgment to pay a Fine of 100 Marks, and is said to be out of Prison already.
- Trin. 32. C. 2. Upon *Loveland*, on an Indictment for a Notorious Conspiracy and Subornation against the Life and Honour of the Duke of *Buckingham*, for Sodomy, a Fine of 5 l. and to stand an hour in the Pillory.
- Mich. 32. C. 2. Upon *Edward Christlan*, Esq; for the same offence, a Fine of 100 Marks, and to stand an hour in the Pillory. And upon *Arthur Obrian*, for the same offence, a Fine of 20 Marks, and to stand an hour in the Pillory.

Upon Consideration whereof, this Committee came to this Resolution:

*Resolv'd*, That it is the Opinion of this Committee, That the Court of *King's Bench* (in the Imposition of Fines on Offenders of late years) hath acted Arbitrarily, Illegally and Partially, favouring Papists, and persons Popishly affected, and excessively oppressing His Majesty's Protestant Subjects.

And this Committee being inform'd, That several of His Majesty's Subjects had been committed for Crimes Bailable by Law, although they then tendred sufficient Sureties, which were refus'd, only to put them to vexation and charge, proceeded to enquire into the same, and found that not only the fore-mention'd *Henry Carr* had been so refus'd the common Right of a Subject, as is above-said; but that *George Broome*, being a Constable last year in *London*, and committing some of the Lord Chief Justice *Scroggs's* Servants for great Disorders, according to his Duty, he was in few days arrested by a Tipstaff, without any *London* Constable, and carried before the said Chief Justice by His Warrant, to answer for the committing of those persons above-said; but being there, was accused of having spoken irreverently of the said Chief Justice; and an *Affidavit* read to him to that purpose, which was falsely (as the said *George Broome* affirms) Sworn against him by two persons that use to be common Bail in that Court, and of very ill Reputation. Upon which he was committed to the *King's Bench*, though he then tendred two able Citizens and Common-Council-men of *London* to be his Bail: And he was forc'd to bring his *Habeas Corpus*, to his great Charge, before he came out: When the Marshal, *Mr. Cooling*, exacted 5 l. of him, of which he complain'd to the Chief Justice, but had no other Answer, But he might take his Remedy at Law. But the said Marshal, fearing he should be questioned, restor'd him two Guinies of it.

And further this Committee was inform'd by *Francis Smith*, Bookseller, That about *Michaelmas* was Twelve-month he was brought before the said Chief Justice by his Warrant, and charged by the Messenger, *Robert Stephens*, That he had seen some parcels of a Pamphlet, call'd, *Observations on Sir George Wakeman's Tryal*, in his Shop: Upon which the Chief Justice told him, he would make him an Example, use him like a Boar in *France*, and pile him and all the Booksellers and Printers up in Prison, like Faggots; and so committed him to the *King's Bench*: Swearing and Cursing at him in great fury. And when he tendred Three sufficient Citizens of *London* for his Bail, alledging Imprisonment in his circumstances would be his utter ruin; the Chief Justice replied, The Citizens lookt like sufficient persons, but he would take no Bail; and so he was forc'd to come out by *Habeas Corpus*, and was afterwards inform'd against for the same matter, to his great charge and vexation. And a while after *Francis* (the Son of the said *Francis Smith*) was committed by the said Chief Justice, and Bail refus'd, for selling a Pamphlet, call'd, *A New-years Gift* for the said Chief Justice, to a Coffee-house; and he declared to them he would take no Bail, for he would ruin them all.



And further it appear'd to this Committee, that the said Chief Justice (about October was twelve month) committed in like manner *Jane Curtis*, she having a Husband and Children, for selling a Book call'd, *A Satyr against Injustice*, which his Lordship call'd a Libel against him; and her Friends tendring sufficient Bail, and desiring him to have mercy on her Poverty and Condition; he swore by the Name of God she should go to Prison; and he would shew no more mercy than they could expect from a Woolf that came to devour them; and she might bring her *Habeas Corpus* and come out so: Which she was forc'd to do; and after inform'd against and prosecuted to her utter ruin, four or five Terms after.

In like manner it appeared to this Committee, that about that time also, *Edward Berry* (Stationer of *Gray's-Inn*) was committed by the said Chief Justice, being accus'd of selling *The Observations on Sir George Wakeman's Tryal*; and though he rendered 1000 l. Bail, yet the Chief Justice said, he would take no Bail, he should go to Prison, and come out according to Law. And after he with much Trouble and Charge got out by *Habeas Corpus*, he was forc'd by himself, or his Attorney, to attend five Terms before he could be discharg'd, though no Information was Exhibited against him in all that time. In Consideration whereof, and of others of the like Nature, (too tedious here to relate) this Committee came to this Resolution.

*Resolved,*

That it is the Opinion of this Committee, That the refusing sufficient Bail in these Cases, wherein the Persons Committed wereailable by Law: Was Illegal, and a High Breach of the Liberty of the Subject.

And this Committee being informed of an extraordinary kind of a Charge, given at the last Assizes at *Kingston* (in the County of *Surrey*) by Mr. Baron *Weston*, and proceeding to examine several Persons then and there present: It was made appear to this Committee, by the Testimony of *John Cole*, *Richard Mayo*, and *John Pierce*, Gentlemen, and others (some of whom put down the said Barons words in Writing immediately) that part of the said Charge was to this effect: He inveighed very much against *Farel*, *Luther*, *Calvin*, and *Zuinglius*, condemning them as Authors of the Reformation: Which was against their Princes minds, and then adding to this purpose, *Zuinglius set up his Fanaticism, and Calvin built on that blessed Foundation: And to speak truth, all his Disciples are seasoned with such a sharpness of Spirit, that it much concerns Magistrates to keep a strait band over them: And now they are restless, amusing us with Fears, and nothing will serve them but a Parliament: For my part, I know no Representative of the Nation but the King; all Power Centers in him: 'Tis true, he does intrust it with his Ministers, but he is the sole Representative; and I-faith, he has wisdom enough to intrust it no more in these Men, who have given us such late Examples of their Wisdom and Faithfulness.* And this Committee taking the said matter into their Consideration, came to this Resolution.

*Resolved,*

That it is the Opinion of this Committee, That the said Expressions in the Charge given by the said Baron *Weston*, were a Scandal to the Reformation, in Derogation of the Rights and Privileges of Parliaments, and tending to raise Discord between his Majesty and his Subjects.

And this Committee being informed by several Printers and Bookfellers, of great Trouble and Vexation given them unjustly by one *Robert Stephens*, (called a Messenger of the Press) the said *Stephens* being examined by this Committee, by what Authority he had proceeded in that manner, produced two Warrants under the Hand and Seal of the Chief Justice *Scroggs*, which were, *In hæc verba*:

Angl. fl. **W**HEREAS There are divers ill disposed Persons who do dayly Print and Publish many Seditious and Treasonable Books and Pamphlets, endeavouring thereby to dispose the minds of his Majesties Subjects to Sedition and Rebellion. And also infamous Libels reflecting upon particular Persons, to the great scandal of his Majesties Government. For Suppressing whereof, his Majesty hath lately issued out his Royal Proclamation. And for the more speedy suppressing the said Seditious Books, Libels and Pamphlets, and to the end that the Authors and Publishers thereof may be brought to their punishment.

These are to will and require you, and in His Majesties Name to charge and command you, and every of you, upon sight hereof, to be Aiding and Assisting unto *Robert Stephens*, Messenger of the Press, in the seizing on all such Books and Pam-

*and Pamphlets as aforesaid, as he shall be informed of, in any Book-sellers or Printers Shops or Ware-houses, or elsewhere whatsoever, to the end they may be disposed as to Law shall appertain; Also if you shall be informed of the Authors, Printers, or Publishers of such Books or Pamphlets as are above-mentioned, you are to Apprehend them, and have them before one of His Majesties Justices of the Peace, to be proceeded against according to Law. Dated this 29th day of November, 1679.*

To Robert Stephens Messenger of the Press, and to all Mayors, Sheriffs, Bayliffs, Constables, and all other Officers and Ministers whom these may concern.

WILLIAM SCROGGS.

Angl. 11. **W**HERRAS The King's Majesty hath lately Issued out His Proclamation for Suppressing the Printing and Publishing Unlicensed News-Books, and Pamphlets of News: Notwithstanding which, there are divers Persons who do daily Print and Publish such Unlicensed Books and Pamphlets.

These are therefore to Will and Require You, and in His Majesty's Name to Charge and Command You, and every of You, from Time to Time, and at all Times, so often as You shall be thereunto required, to be Aiding and Assisting to Robert Stephens, Messenger of the Press, in the Seizing all such Books and Pamphlets as aforesaid, as he shall be informed of, in any Book-seller's Shop, or Printer's Shop or Ware-houses, or elsewhere whatsoever, to the end they may be disposed of as to Law shall appertain. Likewise, if You shall be Informed of the Authors, Printers, or Publishers of such Books and Pamphlets, You are to Apprehend them, and have them before Me, or one of His Majesty's Justices of the Peace, to be proceeded against as to Law shall appertain. Dated this 28th Day of May, Anno Dom. 1680.

To all Mayors, Sheriffs, Bayliffs, Constables, and all other Officers and Ministers whom these may concern.

WILLIAM SCROGGS.

To Robert Stephens, Messenger of the Press.

Upon view whereof this Committee came to this Resolution.

Resolved, That it is the Opinion of this Committee, That the said Warrants are Arbitrary and Illegal.

And this Committee being informed of certain Scandalous Discourses, said to be uttered in publick places by the Lord Chief Justice Scroggs, proceeded to Examine Sir Robert Atkins, late one of the Justices of the Common-Pleas, concerning the same, by whom it appears, That at a Sessions-Dinner at the Old-Bayly (in the Maiorality of Sir Robert Clayton) who was then present, the said Chief Justice took occasion to speak very much against Petitioning, condemning it as resembling 41, as Factious and tending to Rebellion, or to that effect; to which the said Sir Robert Atkins made no Reply, suspecting he waited for some Advantage over him: But the Chief Justice continuing and pressing him with the said Discourse, he began to justify Petitioning as the Right of the People, especially for the Sitting of a Parliament, which the Law requires, if it be done with Modesty and Respect. Upon which the Chief Justice fell into a great passion; and there is some reason to believe, that soon after he made an ill Representation of what the said Sir Robert had then spoke unto his Majesty. And this Committee was further informed, That the said

Sir

Sir Robert Atkins being in Circuit with the said Chief Justice at Summer Assizes was Twelve-month, at *Monmouth*, (Mr. Arnold, Mr. Price, and Mr. Bedlow being then in company) the Chief Justice fell severely in publick upon Mr. Bedlow, taking off the Credit of his Evidence, and alledging he had over-shot himself in it, or to that effect; very much to the Disparagement of his Testimony: And the said Sir Robert defending Mr. Bedlow's Evidence and Credit, he grew extreme Angry and Loud, saying to this Effect, *That he verily believed Langhorn died Innocently*. To which the said Sir Robert replied, He wondred how he could think so, who had condemned him himself, and had not moved the King for a Reprieve for him. All which matters of Discourse this Committee humbly Submit to the Wisdom and Consideration of this House, without taking upon them to give any Opinion therein.

And this Committee proceeded further to inquire into some Passages that happened at *Lent Assizes* last for the County of *Somerset*, at the Tryal of *Thomas Dare*, Gent. there, upon an Indictment for saying falsely and seditiously, *That the Subjects had but two means to Redress their Grievances, one by Petitioning, the other by Rebellion*: And found, that though by his other discourse when he said so, that it appeared plainly he had no Rebellious intent, in that he said, *Then God forbid there should be a Rebellion, he would be the first Man to draw his Sword against a Rebel*; yet he was prosecuted with great violence: And having pleaded *Not Guilty*, he moved Mr. Justice *Jones* (who then sat Judge there) that he might try it at the next Assizes, for that Mr. *Searle* (who was by at the speaking of the words, and a material Witness for his Defence) was not then to be had, and an Affidavit to that purpose was made and received. But the said Justice *Jones* told him, That was a Favour of the Court only, and he had not deserved any Favour, and so forc'd him to try it presently. But the Jury, appearing to be an extraordinary one, provided on purpose, being all of persons that had highly opposed Petitioning for the Sitting of this Parliament, he was advised to withdraw his Plea; and the said Justice *Jones* encouraging him so to do, he confessed the words, denying any Evil Intention, and gave the said Justice an account in writing of the Truth of the whole matter, and made a submission in Court, as he was directed by the said Justice: Who promis'd to recommend him to His Majesty, but imposed a Fine of 500 *l.* on him, and to be bound to the Good Behaviour for three years; Declaring also, That he was turned out from being a Common-Councillor of the Corporation of *Taunton* in the said County, on pretence of a Clause in their Charter, giving such a power to a Judge of Assize. And the said *Thomas Dare* remains yet in Prison for the said Fine; in which matter of the Tryal aforesaid, this Committee desireth to refer it self to the Judgment of this House.

### *The Resolutions of the House of Commons upon the said Report.*

#### I.

That it is the Opinion of this House, That the Discharging of the Grand Jury of the Hundred of *Oswalston*, in the County of *Middlesex*, by the Court of *King's-Bench* in *Trinity* Term last, before the last day of the Term, and before they had finished their Presentments, was Arbitrary and Illegal, destructive to publick Justice, a manifest Violation of the Oaths of the Judges of that Court, and a means to subvert the Fundamental Laws of this Kingdom, and to introduce Popery.

#### II.

That it is the Opinion of this House, That the Rule made by the Court of *King's-Bench* in *Trinity* Term last, against Printing of a Book, called, *The Weekly Pacquet of Advice from Rome*, is Illegal and Arbitrary thereby, usurping to themselves Legislative Power, to the great Discouragement of the Protestants, and for the Countenancing of Popery.

#### III.

That it is the Opinion of this House, That the Court of *King's-Bench* in the Imposition of Fines on Offenders, of late Years, have acted Arbitrarily, Illegally, and Partially, favouring Papists and Persons Popishly affected, and excessively oppressing His Majesty's Protestant Subjects.

#### IV. That



## IV.

That it is the Opinion of this House, That the refusing sufficient Bail in these Cases, wherein the Persons committed were Bailable by Law, was Illegal, and a high Breach of the Liberties of the Subject.

## V.

That it is the Opinion of this House, That the said Expressions in the Charge given by the said Baron *Weston*, were a Scandal to the Reformation, and tending to raise Discord between His Majesty and His Subjects, and to the Subversion of the Ancient Constitution of Parliaments, and of the Government of this Kingdom.

## VI.

That it is the Opinion of this House, That the said Warrants are Arbitrary and Illegal.

*The Resolutions of the Commons, for the Impeachment of the said Judges.*

*Resolved,*  
That Sir *William Scroggs*, Knight, Chief Justice of the Court of *King's-Bench*, be Impeached upon the said Report, and the Resolutions of the House thereupon.

*Resolved,*  
That Sir *Thomas Jones*, one of the Justices of the said Court of *King's-Bench*, be Impeached upon the said Report, and Resolutions of the House thereupon.

*Resolved,*  
That Sir *Richard Weston*, one of the Barons of the Court of *Exchequer*, be Impeached upon the said Report, and Resolutions of the House thereupon.

*Ordered,*  
That the Committee appointed to prepare an Impeachment against Sir *Francis North*, Chief Justice of the Court of *Common-Pleas*, do prepare Impeachments against the said Sir *William Scroggs*, Sir *Thomas Jones*, and Sir *Richard Weston*, upon the said Report and Resolutions.

*Ordered,*  
That the said Report, and several Resolutions of this House thereupon, be printed; and that Mr. *Speaker* take care in the Printing thereof apart from this Days other Votes.

*The Report from the Committee of the Commons in Parliament, appointed by the Honourable House of Commons, to Consider the Petition of Richard Thompson of Bristol, Clerk; And to Examine Complaints against him. And the Resolution of the Commons in Parliament upon this Report, for his Impeachment of high Crimes and Misdemeanours. Friday, Decemb. 24. 1680.*

*At the Committee appointed to take into Consideration the Petition of Richard Thompson, Clerk; and to Examine the Complaints against him.*

*In the First Place,*

THE *Committee* read unto the said *Thompson*, the Heads of the Complaint against him; Which (for the most part) he denying, desired to have his Accusers brought Face to Face: Whereupon the *Committee* proceeded to the Examination of Witnesses, to prove the said Complaint.

*The First Witness Examined, saith,*

That there being a great Noise and Rumor, that Mr. *Thompson* had prepared a Sermon to be Preached on the *Thirtieth of January*, 1679. the said Witness went to the said Sermon, and did hear Mr. *Thompson* publickly declare, That the *Presbyterians* were such Persons, as the very Devil Blush't at them; and that the Villain *Hamden* grudged, and made it more Scruple of Conscience, to give Twenty Shillings to the KING, for supplying his Necessities (by Ship-Money and Loan) which was His Right by Law, than to raise Rebellion against Him: And that the *Presbyterians* are worse (and far more Intolerable) than either *Priests* or *Jesuites*.

*The Second saith,*

That hearing a great Talk and Noise spread of a Sermon to be Preached by Mr. *Thompson*, on the *Thirtieth of January*, 1679. was minded to hear the same, and accordingly did; at which he writ some Notes; amongst which, he saith; That Mr. *Thompson* openly preached, That the Devil Blush't at the *Presbyterians*; and that the Villain *Hamden* grudged more to give the KING Twenty Shillings, which was his just due by Law, (Ship-money and Loan) than to raise Rebellion against Him; and that a *Presbyterian-Brother, qua talis*, was as great a Traitor by the Statute, as any *Priest* or *Jesuite* whatsoever.

That he heard, that Mr. *Thompson* said; That he hoped the *Presbyterians* would be pulled out of their Houses, and the Jails filled with them: and wish't their Houses burnt.

*The Third saith,*

That he was Cited to the Bishop's Court, to Receive the Sacrament last *Easter*: but being out of Town at that Time, did Receive it at a Place called *Purl* in *Wiltshire*; and that a Month after he came Home, Was again Cited to the said Court; and he did accordingly appear, and told the Court, That he hoped his Absence and Business might be accepted for a Lawful Excuse: Upon which, Mr. *Thompson* immediately said, That they would proceed to Excommunicate him. Upon which, this Informant produced his Certificate, of which the Chancellor approved, and said, It was Lawfull. Hereupon Mr. *Thompson* said, That his Receiving the Sacrament from any other Minister, than the Minister of the Parish wherein he dwelled, Was Damnation to his Soul: and that he would maintain this Doctrine.

*The Fourth saith,*

That being at *Bristol-Fair*, he heard a great talk and noise of a Satyr-Sermon prepared, and designed to be Preached by Mr. *Thompson* against the *Presbyterians*, on the *Thirtieth of January*, 1679; and that very many resorted to hear him: In which Sermon, the said Mr. *Thompson* declared and said, That there was a great Talk of a Plot: but (says he) a *Presbyterian* is the man: And further added, That the Villain *Hamden*, scrupled to give the King 20s. upon Ship-Money and Loan, which was his due by law, but did not Scruple, to raise Rebellion against Him.

*The Fifth saith,*

That Mr. *Thompson* in a Sermon preached the *Thirtieth of January*, 1679. did say, That the *Presbyterians* did seem to out-vie *Mariana*, and that *Calvin* was the first that Preached the *King-Killing Doctrine*; and that after he had quoted *Calvin* often, said, If this be true, then a *Presbyterian-Brother, qua talis*, is as great a Traitor as any *Priest* or *Jesuite*; And that then he condemned all the Proceedings of Parliaments.

*The Sixth saith,*

That the said Mr. *Thompson* had utter'd many scandalous words concerning the Act for Burying in Woollen; affirming, That the makers of that Law, were a Company of Old Fools and Fanaticks, and that he would bring a School-Boy, should make a better Act than that, and Construe it when he had done.

*The Seventh saith,*

That Mr. *Thompson* in a Sermon by him Preached (while Petitions for the sitting of this Parliament were on Foot) speaking of a Second Rebellion by the *Scotch*, who had Framed a Formidable Army, and came as far as *Durham* to deliver a Petition forsooth: & that they seemed rather to *Command*, than *Petition* their Sovereign to grant; And Comparing that Petition with the then Petition on Foot, greatly inveigh'd against it, and scoffed much at it.

*The Eighth saith,*

That Mr. *Thompson* (when the Petition was on foot for the sitting of this Parliament) used at the Funeral Sermon of one Mr. *Wharton* these words (pointing at the Dead said) That he was no Schismatical Petitioning Rebel, and that by his instigations, the Grand-Jury of *Bristol* made a Presentment of their detestation against Petitioning for the sitting of the Parliament: that he said Mr. *Thompson* had told him, that he was Governor to Mr. *Narber*, when he was beyond Sea; and said, That he had been very often (and above one hundred times) at *Mas*, in the great Church at *Paris*, and usually gave half a Crown to get a Place to hear a certain Doctor of that Church, and that he was like to be brought over to that Religion; and that when he went beyond Sea, did not know but that he might be of that Religion before his return. That he is very Censorious, and Frequently casts evil Aspersions against several Divines at *Bristol* of great Note, viz. Mr. *Chetwind*, Mr. *Standfast*, Mr. *Croftman*, Mr. *Palmer* and others, saying, That such as went to their Lectures, were the Brats of the Devil.

The 9th, That Mr. *Thompson* in his preaching inveighed bitterly against Subscribing Petitions for Sitting of this Parliament, saying, That it was the Seed of Rebellion, and like to Forty one; and that the Devil set them on work, and the Devil would pay them their Wages; saying, That before he would set his hand to such Petitions, he would cut it off, yea and cut them off.

The 10th, saith, That about two years since, being in the Chancel of *St. Thomas's* Church in *Bristol*, where Queen *Elizabeth's* Effigies is, Mr. *Thompson* pointing his Finger to it, said, That she was the worst of Women, and a most lewd and infamous Woman: Upon which this Informant replied, He never heard any speak ill of her; thereupon Mr. *Thompson* said, She was no better than a Church-Robber, and that *Henry* the 8th begun it, and that she finish'd it.

The 11th, *Rowe*, saith, That in the year 1678, he waited on the Mayor to Church, and that Mr. *Thompson* who was there, railed at *Henry* the Eighth, saying, He did more hurt in Robbing the Abby Lands, than he did good by the Reformation. That after Dinner Mr. *Thompson* comes to this Informant, and claps his Hands on his Shoulders, saying, Hah Boy, had Queen *Elizabeth* been living, you needed not to have been Sword-bearer of *Bristol*. The said *Rowe* asked him why? He replied, She loved such a lusty Rogue (so well) as he was; and he would have been very fit for her Drudgery at *White-hall*.

The 12th, saith, That he heard a great noise of a Sermon to be preached by Mr. *Thompson* on the 30th of *January*, 1679, to the second part of the same Tune: And that he was present at the same Sermon, in which Mr. *Thompson* said, There was a great noise of a Popish Plot, but, says he, Here is nothing in it but a Presbyterian Plot; for here they are going about to Petition for the sitting of the Parliament, but the end of it will be to bring the Kings Head to the block, as they have done his Father.

The 13th, saith, That in *January* last, or thereabouts, there was a Petition going about for the sitting of this Parliament, When Mr. *Thompson* in *Redcliff* Church, in his Sermon, said, It was a Seditious and Rebellious Petition, and rather than he would sign it, his Hand should be cut off.

The 14th, saith, The Eighth day of *April*, he going to pay Mr. *Thompson* his Dues, speaking concerning the Meeters in private; Mr. *Thompson* said, He would hall them out and fill the Gaols with them, and hoped to see their Houses afire about their Ears in a short time; and this he the said *Thompson* doubled again and again.

The 15th, saith, That about *December* 1679, Mr. *Thompson* came to visit his Mother, being sick, and discoursing of Religion, The said, *Thompson* said, If he were as well satisfied of other things, as he was of Justification, Auricular Confession, Penance, Extream Unction, and Crisme in Baptism, he would not have been so long separated from the Catholick Church. And further affirmed, That the Church of *Rome* was the True Catholick Church. He further endeavoured to prove Extream Unction, and Auricular Confession, as well as he could, out of the Epistles. Further, he hath heard him say,

The



The King was a Person of mean and soft Temper, and could be led easily to any thing, but yet a *Solomon* in vices; but that the Duke of *York*, was a Prince of a brave Spirit, would be faithful to his Friends, and that it was our own Faults that he was a Roman Catholick, in that we forc'd him to fly into *France*, where he imbraced that Religion: About the same time, he the said *Thompson*, said the Church would be Militant, but greatly commended the Decency of Solemnizing the Mass in *France*; and that it was performed with much more Reverence and Devotion than any other Religion doth use. He further heard him say in a Sermon, about the time of Petitioning, he would rather cut off his hand than Sign it, and had many bad Expressions of it; that it was, the Seed of Rebellion and like 40 and 41: And further, the said Mr. *Thompson* at one *Sandford's* Shop door in *Bristol*, speaking of *Bedlow*, said, That he was not to be believ'd, because *Bedlow* had, said he, meaning Mr. *Thompson*, was at *St. Omers*, where Mr. *Thompson* said he was not; and that *Bedlow* was of a bad Life, and in many Plots, and not to be credited in any thing he said: And that in another Discourse he commended the Romish Clergy for their single Life, and is himself so; and did at the same time Vilify and Rail at the English Clergy for Marrying; saying, It was better for a Clergy-Man to be Gueft, than to Marry, and that the *Calvinists* in *France* were Letcherous Fellows, and could scarce be two years a Priest without a Wife. About the time and after the Election of Sir *John Knight* to this Parliament, Mr. *Thompson* said, he was not fit to be believ'd, and as bad as any Fanatick. He further said in the Pulpit at *St. Thomas's*, that after Excommunication by the Bishop, without Absolution from the Spiritual Court, such a one was surely Damned; and he would pawn his Soul for the Truth of it.

Mr. *Thompson* after the Evidence given by every particular Person Face to Face, was asked to every one, If he had any Questions to ask, before they called another? Who answer'd, He should not say any thing at present. When the Witnesses before mentioned, were all Examined, Mr. *Thompson* being desir'd to make his Defence, and declare whether he were Guilty of the Matters laid to his charge; did for the greatest part confess words spoken to that effect; and in other things endeavoured to turn the words with more favour towards himself; but the Witnesses being of great Credit, and many more being ready to have made good the same things, the Committee look'd upon the business to be of a high Nature, and therefore ordered the matter to be reported specially; leaving it to the Wisdom of the House.

*The Resolution of the House of Commons upon the said Report.*

Resolved, *Nemine contradicente*,

THAT *Richard Thompson* Clerk, hath publicly defamed his Sacred Majesty, preached Sedition, vilified the Reformation, promoted Popery, by asserting Popish Principles, decrying the Popish Plot, and turning the same upon the Protestants; and endeavoured to subvert the Liberty and Property of the Subject, and the Rights and Privileges of Parliament; and that he is a Scandal and Reproach to his Function.

And that the said *Richard Thompson*, be impeached upon the said Report and Resolution of the House. And a Committee is appointed to prepare the said Impeachment, and to receive further Instructions against him; and to send for Persons, Papers, and Records.

*Articles of Impeachment of Sir William Scroggs, Chief Justice of the Court of King's-Bench, by the Commons in this present Parliament Assembled, in their own Name, and in the Name of all the Commons of England, of High-Treason; and other great Crimes and Misdemeanors.*

I.

THAT he the said Sir *William Scroggs*, then being Chief Justice of the Court of King's-Bench, hath traiterously and wickedly endeavoured to subvert the Fundamental Laws, and the Establish'd Religion and Government of this Kingdom of *England*; and instead thereof, to introduce Popery, and an Arbitrary and Tyrannical Government, against

against Law; which he has declared by divers Traiterous, and Wicked Words, Opinions, Judgments, Practices and Actions.

## II.

That he, the said Sir *William Scroggs*, in *Trinity* Term last, being then Chief Justice of the said Court, and having taken an Oath duly to Administer Justice, according to the Laws and Statutes of this Realm, in pursuance of his said Traiterous Purposes, did, together with the rest of the said Justices of the same Court, several days before the end of the said Term, in an Arbitrary manner discharge the Grand Jury which then served for the Hundred of *Oswaldston* in the County of *Middlesex*, before they had made their Presentments, or had found several Bills of Indictment, which were then before them; whereof the said Sir *William Scroggs* was then fully informed: and that the same would be tendered to the Court upon the last day of the said Term, which day then was, and by the known Course of the said Court, hath always heretofore been given unto the said Jury for the delivering in of their Bills and Presentments, by which sudden and illegal Discharge of the said Jury, the Course of Justice was stop't maliciously and designedly, the Presentments of many *Papists* and other Offenders were obstructed; and in particular, a Bill of Indictment against *James Duke of York*, for absenting himself from Church, which was then before them, was prevented from being proceeded upon.

## III.

That whereas one *Henry Carr*, had for some time before Publish'd every week a certain Book, Intituled *The weekly Packet of advice from Rome: Or, the History of Popery*, wherein, the Superstitions and Cheats of the Church of *Rome* were from time to time exposed; he the said Sir *William Scroggs*, then Chief Justice of the Court of *King's Bench*, together with the other Judges of the said Court, before any Legal Conviction of the said *Carr* of any Crime, did in the same *Trinity* Term, in a most Illegal and Arbitrary manner, make, and cause to be entred, a certain Rule of that Court, against the Printing of the said Book, *in Hac Verba*.

*Dies Mercurii proxime post tres Septimanas Sanctæ Trinitatis, Anno 32 Car. II. Regis.*

**O**rdinatum est quod Liber intitular' The weekly Packet of Advice from Rome: Or, The History of Popery, Non ulterius imprimatur vel publicetur per aliquam personam quamcunque.

*Per Cur'*

And did cause the said *Carr*, and divers Printers, and other Persons to be served with the same; which said Rule and other Proceedings were most apparently contrary to all Justice, in Condemning, not only what had been written without hearing the Parties, but also all that might for the future be written on that Subject; A manifest countenancing of *Popery*, and discouragement of *Protestants*; an open Invasion upon the Right of the Subject, and an encroaching and assuming to themselves a Legislative Power and Authority.

## IV.

That he the said Sir *William Scroggs*, since he was made Chief Justice of the *King's Bench*, hath, together with the other Judges of the said Court, most notoriously departed from all Rules of Justice and Equality, in the Imposition of Fines upon Persons convicted of Misdemeanours in the said Court; and particularly in the Term of *Easter* last past, did openly declare in the said Court, in the Case of one *Jessop*, who was convicted of Publishing False News, and was then to be fined, That he would have regard to Persons and their Principles, in imposing of Fines, and would set a Fine of 500 *l.* on one Person for the same Offence, for the which he would not Fine another 100 *l.* And according to his said Unjust and Arbitrary Declaration, he the said Sir *Will. Scroggs*, together with the said other Justices, did then impose a Fine of 100 *l.* upon the said *Jessop*, although the said *Jessop* had before that time proved one *Hewit* to be convicted as Author of the said false News; and afterwards, in the same Term, did fine the said *Hewit* upon his said Conviction, only

only five Marks. Nor hath the said Sir *Will. Scroggs*, together with the other Judges of the said Court, had any regard to the Nature of the Offences, or the Ability of the Persons, in the imposing of Fines; but have been manifestly partial and favourable to Papists, and Persons affected to, and promoting the Popish Interest, in this time of imminent Danger from them: And at the same time have most severely and grievously oppressed his Majesty's Protestant Subjects, as will appear upon view of the several Records of Fines set in the said Court: By which arbitrary, unjust, and partial Proceedings, many of his Majesty's Liege People have been ruined, and Popery countenanced under colour of Justice; and all the Mischiefs and Excesses of the Court of *Star-Chamber*, by Act of Parliament suppressed, have been again, in direct opposition to the said Law, introduced.

V.

That he the said Sir *Will. Scroggs*, for the further accomplishing of his said traitorous and wicked Purposes, and designing to subject the Persons as well as the Estates of his Majesty's Liege People, to his lawless Will and Pleasure, hath frequently refused to accept of Bail, though the same were sufficient, and legally rendered unto him by many Persons accused before him, only of such Crimes for which by Law Bail ought to have been taken; and divers of the said Persons being only accused of Offences against himself; declaring at the same time, That he refused Bail, and committed them to Gaol only to put them to Charges; and using such furious Threats as were to the terror of his Majesty's Subjects, and such scandalous Expressions as were a dishonour to the Government, and to the Dignity of his Office. And particularly, That he the said Sir *Will. Scroggs*, did in the Year 1679, commit and detain in Prison, in such unlawful manner; among others, *Henry Carr*, *George Broome*, *Edw. Berry*, *Benj. Harrü*, *Francis Smith Sen.* *Francis Smith Jun.* and *Jane Curri*, Citizens of *London*: Which Proceedings of the said Sir *Will. Scroggs*, are a high Breach of the Liberty of the Subject, destructive to the Fundamental Laws of this Realm, contrary to the Petition of Right, and other Statutes; and do manifestly tend to the introducing of Arbitrary Power.

VI.

That he the said Sir *Will. Scroggs*, in further Oppression of his Majesty's Liege People, hath since his being made Chief Justice of the said Court of *King's-Bench*, in an Arbitrary manner, granted divers general Warrants for Attaching the Persons and Seizing the Goods of his Majesty's Subjects, nor named or described particularly in the said Warrants: By means whereof, many of his Majesty's Subjects have been vexed, their Houses entered into, and they themselves grievously oppressed, contrary to Law.

VII.

Whereas there hath been a Horrid and Damnable Plot, contrived and carried on by the *Papists*, for the Murthering the King, the Subversion of the Laws and Government of this Kingdom, and for the Destruction of the *Protestant* Religion in the same; All which the said Sir *William Scroggs* well knew, having himself not only Tried, but given Judgment against several of the Offenders; nevertheless, the said Sir *Will. Scroggs* did at divers times and places, as well sitting in Court, as otherwise, openly Defame and Scandalize several of the Witnesses, who had proved the said Treasons against divers of the Conspirators, and had given Evidence against divers other Persons, who were then untried, and did endeavour to disparage their Evidence, and take off their Credit, whereby, as much as in him lay, he did traitorously and wickedly suppress and stifle the Discovery of the said *Popish* Plot, and Encourage the Conspirators to proceed in the same, to the great and apparent Danger of his Majesty's Sacred Life, and of the well-established Government and Religion of this Realm of *England*.

VIII.

Whereas the said Sir *William Scroggs* being advanced to be Chief Justice of the Court of *King's-Bench*, ought by a sober, grave, and vertuous Conversation, to have given a good Example to the King's Liege People, and to demean himself answerable to the Dignity of so Eminent a Station; yet he, the said Sir *William Scroggs*, on the contrary, by his frequent and notorious Excesses and Debaucheries, and his Prophane and Atheistical Discourses, doth daily affront Almighty God, dishonour



his Majesty, give countenance and encouragement to all manner of Vice and Wickedness, and bring the highest scandal on the publick Justice of the Kingdom.

All which Words, Opinions, and Actions of the said Sir William Scroggs, were by him spoken and done, traiterously, wickedly, falsely and maliciously, to alienate the Hearts of the King's Subjects from his Majesty, and to set a Division between him and them, and to subvert the Fundamental Laws, and the Establish'd Religion and Government of this Kingdom, and to Introduce Popery, and an Arbitrary and Tyrannical Government, and contrary to his own knowledge, and the known Laws of the Realm of England; and thereby he the said Sir William Scroggs hath not only broken his own Oath, but also as far as in him lay, hath broken the King's Oath to his People; whereof he the said Sir William Scroggs representing his Majesty in so high an Office of Justice, had the Custody, for which the said Commons do Impeach him the said Sir William Scroggs of the High-Treason against our Sovereign Lord the King, and his Crown and Dignity, and other the High Crimes and Misdemeanours aforesaid.

And the said Commons by Protestation saving to themselves the Liberty of Exhibiting at any time hereafter, any other Accusation or Impeachment against the said Sir William Scroggs, and also of Replying to the Answer that he shall make thereunto, and of Offering proofs of the Premises, or of any other Impeachments or Accusations that shall be by them exhibited against him as the Case shall (according to the Course of Parliament) require. Do pray that the said Sir Will. Scroggs, Chief Justice of the Court of King's-Bench, may be put to Answer to all and every the Premises, and may be committed to safe Custody: and that such Proceedings, Examinations, Tryals, and Judgments, may be upon him had and used as is agreeable to Law and Justice, and the Course of Parliaments.

Resolved, That the said Sir William Scroggs be Impeached upon the said Articles.

*The Humble Petition of the Right Honourable the Lord Mayor, Aldermen, and Commons of the City of London, in Common-Council Assembled, on the Thirteenth of January, 1680. To the King's most Excellent Majesty, for the Sitting of this present Parliament, Prorog'd to the Twentieth Instant. Together with the Resolutions, Orders, and Debates of the said Court.*

*Commune Concil' tenet' in Camera Guildhall Civitatis London Die Jovis decimo tertio die Januarii Anno Domini 1680. Annoque Regni Domini nostri Carol' Secundi nunc Regis Angl' &c. Tricesimo secundo, coram Patient' Ward Mil' Major' Civitatis London, Thoma Aleyn Mil' & Bar', Johanne Frederick Mil', Johanne Lawrence Mil', Georgio Waterman Mil', Josepho Sheldon Mil', Jacobo Edwards Mil', & Roberto Clayton Mil', Aldermannis, Georgio Treby Ar' Recordatore dictæ Civit', Johanne Moore Mil', Willielmo Pritchard Mil', Henrico Tulse Mil', Jacobo Smith Mil', Roberto Jeffery Mil', Johanne Shorter Mil', Thoma Gould Mil', Willielmo Rawsterne Mil', Thoma Beckford Mil', Johanne Chapman Mil', Simone Lewis Mil', Thoma Pilkington Ar' Aldris, & Henrico Cornish Ar' Ald'ro ac unum vicecom' dictæ Civitatis, necnon Major' parte Communarior' dictæ Civitatis in Communi Concil' tunc & ibidem Assemblat'.*

**T**HIS Day the Members that serve for this City in Parliament, having communicated unto this Court a Vote or Resolution of the Honourable House of Commons, whereby that House was pleased to give Thanks unto this City for their manifest Loyalty to the King, their Care, Charge, and Vigilance for the Preservation of

of his Majesty's Person, and of the Protestant Religion. This Court is greatly sensible of the Honour thereby given to this City, and do declare, That it is the fixt and uniform Resolution of this City to persevere in what they have done, and to contribute their utmost Assistance for the Defence of the Protestant Religion, His Majesty's Person, and the Government Established.

It was now unanimously Agreed and Ordered by this Court, That the Thanks of this Court be given to the Members that serve for this City in Parliament, for their good Service done this City, and their Faithfulness in discharging their Duties in that Honourable and great Assembly.

Upon a Petition now Presented by divers Citizens and Inhabitants of this City, representing their Fears from the Designs of the Papists and their Adherents, and praying this Court to acquaint his Majesty therewith, and to desire, That the Parliament may sit from the Day to which it stands Prorogued, until they have sufficiently provided against Popery and Arbitrary Power. This Court, after some Debate and Consideration had thereupon, did return the Petitioners Thanks for their Care and good Intention herein; And did thereupon nominate and appoint Sir *John Lawrence*, Sir *Robert Clayton*, Knights and Aldermen, Mr. *Recorder*, Sir *Thomas Player* Kt. Mr. *John Du Bois*, *John Ellis* Esq; and Mr. *Michael Godfrey* Commoners, to withdraw, and immediately to prepare a Petition to his Majesty upon the Subject matter of the said Petition; who accordingly withdrawing, after some time returned again to this Court, and then presented the Draught of such a Petition to his Majesty. The Tenor whereof followeth, *Viz.*

*To the King's most Excellent Majesty, &c.*

After reading whereof, It is agreed and ordered by this Court (*Nemine Contradicente*,) That the said Petition shall be presented to his Majesty this Evening, or as soon as conveniently may be. And the Right Honourable the Lord Mayor is desired to present the same, accompanied with Sir *John Lawrence*, Sir *Joseph Sheldon*, Sir *James Edwards*, Knights and Aldermen, Mr. *Recorder*, Deputy *Hawes*, Deputy *Daniel*, *John Nichols*, *John Ellis*, Esquires, Mr. *Godfrey*, and Capt. *Griffith* Commoners, who are now nominated and appointed to attend upon his Lordship at the Presenting thereof.

## Ward Mayor.

Commune Concil' tent' 13 Januarii 1680. Annoq; Regis Car. II. 32.

It is Agreed and Ordered by this Court, (*Nemine Contradicente*) That the Humble Petition to His Majesty from this Court, now read and agreed upon, shall be presented to His Majesty this Evening, or as soon as conveniently may be. And the Right Honourable the Lord Mayor is desired to Present the same, accompanied with Sir *John Lawrence*, Sir *Joseph Sheldon*, and Sir *James Edwards*, Knights and Aldermen, Mr. *Recorder*, Deputy *Hawes*, Deputy *Daniel*, *John Nichols*, *John Ellis*, Esquires, Mr. *Godfrey*, and Capt. *Griffith*, Commoners, who are now nominated and appointed to attend upon his Lordship at the Presenting thereof.

*Wagstaffe.*

*To the KING's most Excellent Majesty.*

*The Humble Petition of the Lord Mayor, Aldermen, and Commons of the City of London, in Common-Council Assembled,*

*Most Humbly sheweth,*

THAT Your Majesty's great Council in Parliament, having in their late Session, in pursuance of Your Majesty's Direction, entred upon a strict and impartial Inquiry into the horrid and execrable Popish Plot, which hath been for several years last past, and still is, carried on for destruction of Your Majesty's Sacred Person and

and Government, and extirpation of the Protestant Religion, and the utter Ruine of Your Majesty's Protestant Subjects; and having so far proceeded therein, as justly to attain upon full Evidence, one of the five Lords impeached for the same, and were in further Prosecution of the remaining Four Lords, and other Conspirators therein.

And as well the Lords Spiritual and Temporal, as the Commons in Your said Parliament assembled having Declared, That they are fully satisfied, that there now is, and for divers years last past, hath been a horrid and Treasonable Plot and Conspiracy contrived and carried on by those of the Popish Religion in *Ireland*, for Maf-facing the *English*, and subverting the Protestant Religion, and the Ancient established Government of that Kingdom.

And Your said Commons having Impeached the Earl of *Tyrone*, in order to the bringing him to Justice for the same; And having under Examination other Conspirators in the said *Irish* Plot.

And Your said Commons having likewise impeached Sir *William Scroggs*, Chief Justice of Your Majesty's Court of Kings Bench, for Treason and other great Crimes and Misdemeanors, in endeavouring to subvert the Laws of this Kingdom by his Arbitrary and Illegal proceedings; And having voted Impeachments against several other Judges for the like Misdemeanors.

Your Petitioners considering the continual Hazards to which Your Sacred Life, and the Protestant Religion, and the Peace of this Kingdom are exposed, while the Hopes of a Popish Successor, gives Countenance and Encouragement to the Conspirators in their wicked Designs. And considering also the Disquiet and Dreadful Apprehensions of Your good Subjects, by reason of the Miseries and Mischief which threaten them on all parts; as well from Foreign Powers, as from the Conspiracies within Your several Kingdoms, against which no sufficient Remedy can be provided but by Your Majesty and Your Parliament, were extremely surprized at the late Prorogation, whereby the Prosecution of the Publick Justice of the Kingdom, and the making the Provisions necessary for the Preservation of Your Majesty, and Your Protestant Subjects, hath received an interruption. And they are the more affected herewith, by reason of the Experience they have had of the great Progress, which the emboldned Conspirators have formerly made in their Designs, during the late frequent Recesses of Parliament. But that which supports them against Dispair, is the Hopes they derive from Your Majesty's Goodness, That Your Intention was, and does continue by this Prorogation, to make way for Your better Concurrence with the Counsels of Your Parliament.

And Your Petitioners humbly hope, That Your Majesty will not take Offence, that your Subjects are thus Zealous, and even impatient of the least Delay of the long hoped for Security, whilst they see your precious Life invaded, the true Religion undermined, their Families and innocent Posterity likely to be subjected to Blood, Confusion, and Ruine; and all these Dangers encreased, by reason of the late Endeavours of Your Majesty, and Your Parliament, which have added Provocation to the Conspirators, but have had little or no Effect towards securing against them: And they trust Your Majesty will graciously accept this Discovery and Desire of their Loyal Hearts to preserve Your Majesty, and whatever else is dear to them, and to strengthen Your Majesty against all Popish and Pernicious Counsels, which any ill affected Persons may presume to offer.

They do therefore most humbly Pray, That Your Majesty will be graciously pleased (as the only means to quiet the Minds, and extinguish the Fears of Your Protestant People, and prevent the imminent Dangers which threaten Your Majesty's Kingdoms, and particularly this Your Great City, which hath already so deeply suffered for the same) to permit Your said Parliament to sit, from the Day to which they are Prorogued, untill by their Counsels and Endeavours those good Remedies shall be provided, and those just Ends attained, upon which the Safety of Your Majesty's Person, the preservation of the Protestant Religion, the Peace and Settlement of Your Kingdoms, and the Welfare of this Your Ancient City, do so absolutely depend. For the pursuing and obtaining of which good Effects, Your Petitioners unanimously do offer their Lives and Estates.

*And shall ever Pray, &c.*

Vox



*Vox Patriæ: Or, the Resentments and Indignation of the Free-born Subjects of England, against Popery, Arbitrary Government, the Duke of York, or any Popish Successor; being a true Collection of the Petitions and Addresses lately made from divers Counties, Cities, and Boroughs of this Realm, to their respective Representatives, chosen to serve in the Parliament held at Oxford, March 21, 1680.*

**H**E was certainly no Fool, that first said, *Parliaments were the Pulse of the People*: 'Tis from thence Wise State-Physicians take their Diagnosticks. What Sentiments our late Parliament had of our Modern Affairs, is obvious in their *Printed Votes and Addresses*. Nor will it be less plain, what is the *Common Sense* of the Body of the People in this Juncture of imminent Danger, if the Unanimous Addresses from so many considerable parts of *England* be regarded.

No sooner was the late Parliament surprizingly Prorogued, *Jan. 10. 1682*, in the very Crisis of Business, and when they had so many excellent Bills before them, and had made so hopeful a Progress in unvailing the horrid Popish Plot (which still like an *Ill Spright*, haunts and *Night-mares* us) and in bringing Criminals to Justice, but presently the whole Nation was startled, and forthwith (as Convulsions are first perceived in the *Head*) the same Day a considerable Number of Eminent Citizens of *London* Presented the following Address to their Major.

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*To the Right Honourable Sir Patience Ward, Knight, Lord Mayor of the City of London.*

**W**E the Citizens of the said City (on behalf of our selves and others our Fellow Citizens) being very apprehensive of the great and imminent Dangers that this *Metropolis*, and the whole *Protestants Interest* are expos'd to, by the Horrid and Devilish Designs of the *Papists* and their Adherents: And being sensible that they are increas'd and heightned by the *Surprizing Prorogation* of this present *Parliament*, do most humbly recommend to your Lordship the Particulars hereunder mentioned.

I. That your Lordship will be pleased to cause the several Watches of this City to be doubled this Night, and so to continue, and cause some House-keepers to watch in person, and a sufficient Ward to be kept by Day.

II. To cause the several Chains in the several Streets of this City to be put up this Night, and so to continue.

III. That your Lordship will be pleas'd to keep the Keys of the several Gates of this City this Night, and so to continue.

IV. To cause the several Gates of this City to be kept Lock'd up every Lord's Day and permit the several Wicket-Doors only to be opened.

V. That your Lordship will not permit any Body of Armed Souldiers, greater or less (other than the Trained Bands of this City) to march through any part of the same.

VI. That your Lordship will forthwith Order a Meeting of the Common-Council of this City.

Which his Lordship was pleas'd favourably to receive and read, and then gave the Gentlemen answer, *That he was very apprehensive of the Danger of this City, and had done something already to have full Watches, and intended to go out himself to see that they were kept; and assured them, that he would seriously consider their Desires, and take all the care that lay in him, to prevent the Danger that so threatned them.*

The very same day, and before it was possible the news, or thoughts of any Prorogation could reach so far, the *Grand Jury* of *Shropshire*, in the name and behalf of themselves and that whole County, thought fit to express their hearty Concurrence with, and thanks to the then House of Commons for their Zealous Proceedings against the most Dangerous Popish Interest in the Termes following:

*To the Honourable Ric. Newport, Esq; and Sir Vincent Corbet, Bar. Knights of the Shire in this present Parliament for the County of Salop, Jan. 10. 1680.*

WHEREAS the Honorable the Commons in this Parliament assembled, have to the great satisfaction of the Nation, caused their Vores to be published, thereby letting the Kingdom know the Candour and Integrity of their Proceeding, which they desire may be examined in the face of the Sun: but fully satisfying us with what Wisdom, Constancy and Courage in this time of imminent danger, they have endeavoured to secure our King, our Religion, the Government and our Liberties: We the *Grand-Jury* Impannelled for the Body of this County of *Salop*, being extreamly sensible how worthily you have discharged the Trust reposed in you, and finding our Opinions therein seconded by the *Unanimous Resolution* of the rest of our County, do believe our selves in all Justice obliged, humbly to testify unto you, how much we rejoyce in the Proceeding you have made, how heartily we concur with your wise Resolutions, and how earnestly we desire they may be brought to perfection, and in particular the Bill to *Exclude the D. of York*. That so we and our Posterity may be delivered from the apparent Danger of *Popery* and the necessary Consequences thereof, *Tyranny* and *Oppression*, and remain *Free Protestant Subjects*; to acknowledge evermore the Service and Obligation we owe to Patriots that have serv'd us so faithfully.

*Signed by all the Members of the Grand-Jury; being 17 of the most considerable Gentlemen of the County.*

*January, 13. 1680. A Common Council being held at Guild-Hall, several Eminent Citizens Presented the following Petition.*

*To the Right Honourable Sir Patience Ward, Kt. Lord Mayor of the City of London, and the Right Worshipful the Aldermen and Commons in Common-Council Assembled.*

*The humble Petition of the Citizens and Inhabitants of the said City,*

*Sheweth,*

THAT we being deeply sensible of evils and mischiefs hanging over this Nation in general, and this City in particular, in respect of the danger of the Kings Person, the Protestant Religion, and our well establish'd Government, by the continued hellish and damnable designs of the Papists and others their adherents: And, knowing no way (under heaven) so effectual to preserve His Royal Majesty (and us) from the utter ruin and destruction threatned; as by the speedy sitting of this present Parliament, the surprising Prorogation of which greatly adds to, and increases the just fears and jealousies of your Petitioners minds.

We your Petitioners do therefore beseech your Lordship, and this Honourable Court, to acquaint His Majesty with these our fears and apprehensions; and that it is our humble and earnest desire, (as well as yours) that His Majesty would be pleased (for the utter defeating the wicked and bloody purposes of our Enemies) to permit this present Parliament which stands Prorogued to the 20th of this instant *January*, then to Assemble and continue to sit until they have effectually secured us against *Popery*, and Arbitrary Power, and Redressed the manifold Grievances which at present we groan under, and for our immediate security, that you will be pleased to order whatsoever else shall be thought necessary and expedient by your Lordship and this Honourable Court in this time of imminent danger for the safety of this great City.

*And your Petitioners shall ever Pray, &c.*

*The*

*The Address of the Free-holders of the County of Middlesex, to Sir William Roberts Knight, and Nicholas Raynton Esq; Knights of the Shire.*

WE the Freeholders of this County, have (in great Confidence of your Integrity, Wisdom and Courage) now chosen You to Represent Us in the next Parliament, to be holden at *Oxford*, on the 21<sup>st</sup>. Day of this present *March*. And although we do not in the least question your Faithfulness to the true Interest of this Nation, nor your Prudence in the Management thereof: yet esteeming it greatly our Duty, in this unhappy Juncture, wherein our Religion, Lives, Liberties, Properties, and all that is dear unto us, are in such imminent danger, to signify our pressing Dangers unto You. And accordingly we do request, That in the next Parliament, wherein we have chose You to Sit, and Act, That You will with the greatest Integrity, and most undaunted Resolution, joyn with, and assist the other Worthy Representatives and Patriots of this Nation, in the searching into, and preventing the Horrid and Hellish Villanies, Plots and Designs of that wicked and restless sort of People, the *Papists*, both in this, and the Neighbouring Kingdoms. And making some honourable Provision for the Discovery thereof;

In securing to us the Enjoyment of the True *Protestant Religion*, and the well established Government of this Kingdom. In Promoting the happy, and long prayed for Union among all His Majesties *Protestant Subjects*. In Repealing the 35<sup>th</sup> of *Elizabeth*, the *Corporation Act*, and all other Acts, which upon experience have proved injurious to the true *Protestant Interest*. In Asserting the Peoples unquestionable Rights of Petitioning. In removing our just Fears, by reason of the great Forces in this Kingdom, under the Name of Guards, which the Law hath no knowledge of. In preventing the Misery, Ruine, and utter Destruction, which unavoidably must come upon this and the neighbouring Nations, if *James Duke of York*, or any other *Papist* shall ascend the Royal Throne of this Kingdom. And lastly, in securing to us our Legal Right of Annual Parliaments; which (under God) will unquestionably prove the highest security of all that is good and desirable to us and our Posterity after us. Always assuring our selves, that you will not in any wise consent unto any Money-Supply, until we are effectually secured against *Papery* and *Arbitrary Power*.

And particularly we desire you to give the most hearty Thanks of this County to that Noble Peer, the Earl of *Essex*, and by him to the rest of those Noble and Renowned Peers, who were pleased lately, and so seasonably, to offer their Petition and Advice to His Majesty. In the pursuance of all which Needful, Worthy and Excellent Ends, we shall, as in duty bound, stand by you with our Lives and Fortunes.

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*A Letter of Thanks from the Grand-Jury of the County of Worcester, to the Knights of this Shire; Dated, Jan. 12. 1680.*

Honoured Sirs,

WE the *Grand-Jury* of the County of *Worcester*, at the General Quarter Sessions of the Peace held for the said County the 11<sup>th</sup>. day of *Jan*. in the 32<sup>d</sup> year of the King's Majesties Reign, do hereby, in the behalf of our selves and the County for which we serve, return you our most hearty Thanks for your constant and unwearied Attendance upon the Service of His Majesty and your Country in this present Parliament, in a Time of such imminent danger; And especially of your concurrence in those Methods that have been taken for the Security of His Majesties Sacred Person, the *Protestant Religion*, and the Properties of His Majesties Subjects, against the *Hellish Plots* of the *Papists* and their Adherents. And we do humbly request your continuance therein, and shall ever pray for the preservation of the Person of our most Gracious Sovereign,



*The Petition of the Grand-Jury of Berkshire.*

Sovereign, and that God will direct and unite his Councils; and upon all occasions testify that we are,

Honoured Sirs, *Your very Humble, Obligated, and Thankful Servants.*

This was signed by all the said *Grand-Jury*, and directed, to the Honourable Colonel *Samuel Sandys*, and *Thomas Foley* Esquires, Members of this present Parliament.

*A Letter from the Ancient and Loyal Borough of North-Allerton in Yorkshire, Dated Jan. 14. 1680. to their Burgeses in Parliament.*

*Honoured Sirs,*

**T**He unexpected and sudden News of this Day's Post, preventing us from sending those due Acknowledgments which the greatness of your Services for Publick Good, have merited from us, we have no better way (now left us) to express our Gratitude, and the highest Resentments of your Actions before, and in your last Sessions of Parliament, than to manifest our Approbation thereof, by an Assurance, that if a Dissolution of this present Parliament happen, since you have evidenced so sufficiently your Affections to His Majesties Royal Person, and Endeavours for the preserving the Protestant Religion, our Laws and Liberties, we are now resolved, if you are pleas'd to continue with us, to continue you as our Representatives: And do therefore beg your Acceptance thereof; and farther, that you will continue your Station during this Prorogation, faithfully assuring you, that none of us desire to give, or occasion you the Expence or Trouble of a Journey in order to your Election (if such happen) being so sensible of the too great expence you have been at already, in so carefully discharging the Trust and Confidence reposed in you, by, Gentlemen,

*Your Obligated and Faithful Friends and Servants.*

Signed by the Burgeses and Electors of *North-Allerton*, and directed to Sir *Gilbert Gerrard*, and Sir *Henry Calverly*, Burgeses for the Borough of *North-Allerton* in *Yorkshire*.

The same day the *Grand-Jury* of *Reading* Presented the following Paper to the Mayor of that Town.

*Berkshire ff. The Petition of the Grand-Jury of the Borough of Reading, at the Sessions holden at the said Borough, Jan. 14. 1680.*

To the Right Worshipful the Mayor and Aldermen of the Town and Borough of *Reading*,

*The Humble Petition of the Grand-Jury of the said Town, in behalf of themselves and others the Inhabitants of the same,*

*Sheweth,*

**T**hat your Petitioners are deeply sensible of the Great and Iminent Dangers and Mischiefs that threaten Us, as well as the whole Nation, by the implacable Malice and Endeavour of our Enemies, to introduce *Popery* and *Arbitrary Government*, to Subvert the *Protestant Religion*, and our well-established Laws, and to deprive us of our undoubted Rights and Liberties.

We therefore humbly entreat you, that you would take it into your consideration, that no Person whatsoever may be employed, encouraged, or empowered to  
at

act in any wise in this Corporation, that hath been Voted and Deemed in Parliament a Betrayer of the Rights of the People of England.

*And your Petitioners shall Pray, &c.*

Soon after the Amazing Dissolution happened, and His Majesty having then Declared his pleasure to Summon and Hold the next Parliament, not at *Westminster*, which in all Ages has been generally the usual place of Convening those Assemblies (as being most conveniently situate near the Metropolis of the Kingdom, where all Persons may be much better accommodated than elsewhere) but at the City of Oxford; several Noble Lords thought it their Duty humbly to Represent the Inconveniencies which in their apprehensions would attend such chargeable Removal, and submissively to offer their Advice to His Majesty, to alter that Resolution, in the following Petition; which being presented to His Majesty by that Noble Peer, of approved Loyalty and Prudence, the Right Honourable the Earl of Essex; His Lordship being accompanied with several other Lords at the Delivery thereof, thus expressed himself.

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The Earl of Essex's Speech, at the Delivering the following Petition to His most Sacred Majesty, Jan. 25. 1680.

May it please your Majesty,

**T**He Lords here present, together with divers other Peers of the Realm, taking notice that by Your late Proclamation, Your Majesty has declared an intention of calling a Parliament at Oxford; and observing from History and Records, how unfortunate many Assemblies have been, when called at a Place remote from the Capital City; as particularly the Congress in Henry the Second's time at Clarendon; Three several Parliaments at Oxford in Henry the Third's time, and at Coventry in Henry the Sixth's time; With divers others which have proved very fatal to those Kings, and have been followed with great mischief on the whole Kingdom: And considering the present posture of affairs, the many jealousies and discontents, which are amongst the People, We have great Cause to apprehend, that the consequences of a Parliament now at Oxford may be as fatal to Your Majesty and the Nation, as those others mentioned have been to the then Reigning Kings; and therefore we do conceive that we cannot answer it to God, to Your Majesty, or to the People, If we, being Peers of the Realm, should not on so Important an Occasion humbly offer our advice to Your Majesty; that if possible, Your Majesty may be prevailed with, to alter this (as we apprehend) unseasonable Resolution. The Grounds and Reasons of our Opinion, are contained in this our Petition, which We humbly Present to Your Majesty.

To the King's most Excellent Majesty. The Humble Petition and Advice of the Lords under-named, Peers of the Realm.

*Humbly Sheweth,*

**T**Hat whereas Your Majesty hath been pleased, by divers Speeches, and Messages to Your Houses of Parliament, rightly to represent to them the Dangers that Threatned Your Majesty's Person, and the whole Kingdom, from the Mischievous, and wicked Plots of the Papists, and the sudden Growth of a Foreign Power, unto which, no stop or remedy could be Provided, unless it were by Parliament, and an Union of Your Majesty's Protestant Subjects, in one Mind, and one Interest.

And the Lord Chancellor, in Pursuance of Your Majesty's Commands, having more at large Demonstrated the said Dangers to be as great, as we in the midst of our Fears could Imagine them: and so pressing, that our Liberties, Religion, Lives, and the whole Kingdom would be certainly Lost, if a speedy Provision were not made against them.

And Your Majesty, on the 21<sup>st</sup>. of April, 1679. Having called unto your Council, many Honourable and Worthy Persons, and declared to them and the

whole Kingdom, That being sensible of the evil Effects of a single Ministry, or private Advice, or Forreign Committee, for the General Direction of your Affairs; Your Majesty would for the future Refer all things unto that Council, and by the constant Advice of them, together with the frequent use of your great Council, the *Parliament*, Your Majesty was hereafter Resolved to Govern the Kingdoms; We began to hope we should see an end of our Miseries.

But to our unspeakable Grief and Sorrow, we soon found our Expectations Frustrated. The *Parliament*, then subsisting, was Prorogued and Dissolved, before it could perfect what was intended for our Relief and Security; and though another was thereupon called, yet by many Prorogations it was put off, till the 21<sup>st</sup>. of *October* past; and notwithstanding Your Majesty was then again pleased to acknowledge, that neither Your Person, nor Your Kingdom could be safe, till the matter of the Plot was gone thorow, It was unexpectedly Prorogued on the 10<sup>th</sup>. of this *Month*, before any sufficient Order could be taken therein; all their Just and Pious Endeavours to save the Nation were overthrown; the good Bills they had been Industiously preparing to Unite all Your Majesties *Protestant* Subjects brought to nought; The discovery of the *Irish* Plot stifled; The Witnesses that came in frequently more fully to declare That, both of *England* and *Ireland*, discouraged. Those Forreign Kingdoms and States, who by a happy conjunction with us, might give a Check to the *French* Power, disheartned, even to such a Despair of their own Security against the growing greatness of that Monarch, as we fear may induce them to take new Resolutions, and perhaps such as may be fatal to us: The Strength and Courage of our Enemies both at home and abroad increased; and our selves left in the utmost danger of seeing our Country brought into utter Desolation.

In these *Extremities*, we had nothing under God to comfort us, but the Hopes, that Your Majesty (being touched with the Groans of Your perishing People) would have suffered Your Parliament to meet at the Day unto which it was Prorogued: and that no further interruption should have been given to their Proceedings, in Order to their saving of the Nation. But that failed us too: For then we heard that Your Majesty, by the private suggestion of some *Wicked Persons*, *Favourers of Popery*, *Promoters of French Designs*, and *Enemies* to Your Majesty and the Kingdom (without the Advice, and as we have good Reason to believe, against the Opinion, even of Your *Privy-Council*) had been prevailed with to *Dissolve* it, and to call another to meet at *Oxford*, where neither Lords nor Commons can be in Safety, but will be daily exposed to the Sword of the *Papists*, and their Adherents, of whom too many are crept into Your Majesties *Guards*. The Liberty of speaking according to their Consciences, will be thereby Destroyed, and the Validity of all their Acts and Proceedings consisting in it, left Disputable. The Straitness of the Place, no way admits of such a concourse of Persons, as now follows every Parliament; the *Witnesses* which are necessary to give Evidence against the *Popish* Lords, such Judges, or others whom the Commons have Impeached, or had resolved to Impeach, can neither bear the Charge of going thither, nor trust themselves under the Protection of a Parliament, that is it self Evidently under the power of *Guards* and *Soldiers*.

The Premises considered, We Your Majesties *Petitioners*, out of a Just Abhorrence of such a dangerous and pernicious Council, (which the Authors have not dared to avow) and the direful Apprehensions of the Calamities and Miseries, that may ensue thereupon; do make it our most Humble Prayer and Advice, That the *Parliament* may not sit at a Place, where it will not be able to Act with that *Freedom*, which is necessary; and especially, to give unto their Acts and Proceedings, that Authority which they ought to have amongst the People, and have ever had, unless Impaired by some Awe upon them, (of which there wants not Precedents:) And that Your Majesty would be graciously pleased, to Order It to Sit at *Westminster* (it being the usual Place, and where they may Consult and Act with Safety and Freedom.)

*And your Petitioners shall ever Pray, &c.*

Monmouth,	} {	Salisbury,	} {	Shaftsbury,	} {	Grey,
Kent,		Clare,		Mordant,		Herbert,
Huntington,		Stanford,		Evers,		Howard,
Bedford,		Essex,		Paget,		Delamer.

The



## *A Letter from the Town of Kingston upon Hull.* 131

The Counties and Corporations throughout *England*, were generally so well satisfied with the Proceedings of the Honourable House of *Commons* in the last Parliament, That as soon as they heard of the *Dissolution*, they Resolved to chuse the very same respective Persons again, and contriv'd to make their Elections, without putting the Gentlemen chosen to any *Charge*; Thereby to crush that *Pernicious Custom* of over-ruling *Debauchery*, at *Choice of Members*, which had not only scandaliz'd the Nation, but almost impoyson'd and destroyed the very Constitution of our Parliaments.

*A Letter from the famous Town of Kingston upon Hull, to Sir Michael Wharton Kt. and William Gee Esq; Burgeses for that Town in the late Parliament.*

*Worthy Gentlemen,*

**W**E understand you have signified to us our Magistrates your willingness to represent in the ensuing Parliament, and that they have gratefully accepted of your generous Offer, which if they had communicated to us, our joyn't compliance would have been readily manifested: for we are so sensible of your integrity in the late Parliament, by your indefatigable care and pains, in endeavouring the security of His Majesties Sacred Person, as also our Religion and Property, that we cannot but rejoyce that you are pleased again to offer us that kindness, which your former good Service hath engaged us to become Suitors for. We do therefore return you our hearty thanks, and you may be confident, without your appearance, or the least charge, to have all our Suffrages *Nemine contradicente*, and will, as our Obligations bind us, stand by your Proceedings, as becomes Loyal Subjects and true *Englishmen*; subscribing our selves,

*Your obliged and affectionate Friends and Servants, &c.*

Which was subscribed by *Matthew Johnson Esq;* Sheriff of the said Town, and 122 more of the most Eminent Burgeses and Electors.

Another Letter from *Lewis* in *Suffex* on the like Occasion.

*To their late Worthy Representatives Richard Bridger, and Thomas Pellam Esquires.*

*Gentlemen,*

**W**E are sensible of the great Trouble and Charge you have been at, as our Representatives, and of your great Care and Constancy; for which we return you our hearty Thanks; with our earnest Request, that you would be pleased once more to favour us in the same capacity: And you will thereby much Oblige

*Your Faithful Friends and Servants.*

This was Subscribed by near 150 of the Inhabitants of *Lewis* aforesaid.

On the 4th. of *February*, The City of *London* Assembled in *Common-Hall*, consisting of several Thousand *Livery-Men*; having by an *Unanimous Voice*, Elected their Old Representatives, Returned them their Thanks in a *Paper* there *Publickly Read*, and Approved of with a General Consent.

The

## The Address of the City of London.

To the Honoured Sir Robert Clayton, Knight, Thomas Pilkington, Alderman, Sir Thomas Player, Knight, and William Love, Esq; late (and now chosen) Members of Parliament for this Honourable City of London.

WE the Citizens of this City in Common-Hall Assembled, having Experienced the great and manifold Services of you our Representatives in the Two last Parliaments, by your most faithful and unwearied Endeavours to Search into and discover the depth of the horrid and hellish Popish Plots, to preserve His Majesty's Royal Person, the Protestant Religion, and the well established Government of this Realm; to secure the Meeting and Sitting of frequent Parliaments, to Assert our undoubted Rights of Petitioning, and to punish such who would have Betrayed those Rights, to promote the happy and long-wished for Union amongst all His Majesty's Protestant Subjects, to Repeal the 35th. of Elizabeth, and the Corporation Act; and especially for what Progress hath been made towards the Exclusion of all Popish Successors, and particularly of James Duke of York, whom the Commons of England (in the two last Parliaments have Declar'd, and we are greatly sensible is) the Principal Cause of all the Ruine and Misery impending these Kingdoms in general, and this City in particular. For all which, and other your constant and faithful Management of our Affairs in Parliament, we offer and return to you our most hearty Thanks, being confidently assur'd that you will not consent to the granting any Money-Supply, until you have effectually Secur'd us against Popery and Arbitrary Power; Resolving (by Divine Assistance) in pursuance of the same Ends, to stand by you with our Lives and Fortunes.

And likewise there was offered another Paper directed to the Sheriffs, purporting their Thanks to the several Noble Peers for their late Petition and Advice to His Majesty; which was as followeth:

To the Worshipful Slingsby Bethel and Henry Cornish Esquires, Sheriffs of the City of London and Westminster.

WE the Citizens of the said City, in Common-Hall Assembled, having read, and diligently perus'd the late Petition and Advice of several Noble Peers of this Realm to His Majesty, whose Counsels we humbly conceive are (in this unhappy Juncture) highly seasonable, and greatly tending to the Safety of these Kingdoms. We do therefore make it our most hearty Request, that you (in the Name of this Common-Hall) will return to the Right Honourable the Earl of Essex, and (by him) to the rest of those Noble Peers, the Grateful Acknowledgment of this Assembly.

Which being Read, and Approved of by a General Acclamation, the Sheriffs promised to give their Lordships the Thanks of the Common-Hall, in pursuance of their Request.

The Address of the City of *Westminster*, Febr. 10. 1683.

To the Honoured Sir William Pouitney, and Sir William Waller,  
Knights, Unanimously Elected Members of the ensuing Parliament for  
the Ancient City of Westminster.

WE the Inhabitants of this City and the Liberties thereof, Assembled, retaining a most grateful and indelible Sence of your prudent Zeal in the late Parliament, in searching into the depth of the horrid and hellish Plots of the Papists against His Majesty's Royal Person, the Protestant Religion, and the Government of the Realm, and in endeavouring to bring the Authors of *Wicked Counsels* to condign punishment: And remembring also your faithful discharge of that great Trust reposed in you, in vindicating our undoubted Right of *Petitioning* His Majesty, That Parliaments may Sit for the Redress of our Grievances, which Hereditary Privilege some *Bad Men* would have wrested out of our Hands; upon whom you have set such a just *Brand of Ignominy*, as may deter them from the like Attempts for the time to come: And further reflecting upon your vigorous Endeavours to secure to us and our Posterity the Profession of the *True Religion*, by those Just, Legal and Necessary Expedients, which the great Wisdom of the Two last Parliaments fixed upon, and adhered to; Do find our selves obliged to make our open Acknowledgement of, and to return our hearty Thanks for your eminent Integrity and Faithfulness, your indefatigable Labour and Pains in the Premises, not once questioning but you will maintain the same good Spirit and Zeal to secure His Majesty's Royal Person, and to preserve to us the Protestant Religion (wherein all good Subjects have an Interest) against the secret and subtil Contrivances and open Assaults of the Common Enemy: as also our Civil Rights and Properties against the Inroachments of *Arbitrary Power*. In pursuance of which Great and Good Ends, we shall always be ready, as we are obliged, to adhere to you our Honoured Representatives, with the utmost hazard of our Persons and Estates.

City of *Chichester*, the same Day.

After the Unanimous Choice of *John Braman* and *Richard Farington* Esquires, (who serv'd for that City in the late Parliament) they had the Sence of that Eminent City delivered to them by a Worthy Person, in the Name, and by the Consent of the rest, in the following Speech.

Gentlemen,

THE Faithful discharge of the like high Trust we formerly gave you, is the true Inducement of our chusing you again; And as we heartily thank you for your past worthy Behaviour in Parliament, and in a particular manner, for your being for the Bill of Exclusion; for the Bill of Uniting all His Majesty's Subjects, for Vindicating our (almost lost) Right of *Petitioning* for frequent Parliaments, and for your endeavour to call those wretched Pensioners to an Account, that betray'd the Nation in the late Long Parliament; So we pray you to persevere in your faithful Service of us, until the Nation be thoroughly secured against Popery and Arbitrary Power. And since that Famous and Renowned Bulwark of the Protestant Religion, the ever-to-be-honoured City of *London*, have commanded their Sheriffs to present their Thanks to the true *English* and Noble Earl of *Essex*, and by him to the rest of those Right Honourable Peers, for their late Excellent Petition and Advice to His Majesty; so we being willing to imitate so Good and Great an Example, do desire you in our names, to present in like manner, our humble and hearty Thanks to the said Earl, and those Noble Lords.



*Borough of Colchester, February 15. 1687.*

After the Election made, a great Number of the Free-Burgesses of this Corporation agreed upon the following Address to be presented to their Representatives.

*To the Honourable Sir Harbottle Grimston Baronet, and Samuel Reynolds Esq; now chosen Burgesses for our Corporation of Colchester, in the County of Essex.*

**W** E the Free-Burgesses of the said Corporation, being deeply sensible of the unspeakable danger threatening His Majesty's Life, and the Protestant Religion, and the well established Government of this Kingdom, from the Hellish Designs of the Papists, and their wicked Adherents: And that our Religion and Liberties, can only, under God, be secured to us and our Posterity, by wholesome Advice in Parliament; Have now chosen you to represent us there, in confidence of your Integrity and Courage, to discharge so great a Trust in this time of Imminent Danger. And we do desire you to allow us to speak our steadfast Resolution (with utmost hazard of our Lives and Fortunes) to shew our Approbation of what shall be resolved in Parliament, for maintaining the Protestant Religion, and our Liberties, against Popery, and Arbitrary Government. And we hope you will endeavour to the utmost of your Power, to disable *James Duke of York*, and all other Popish Pretenders, from Inheriting the Imperial Crown of this Realm: And we shall pray for your good success.

Here we cannot but inform the Reader, That the Notorious *Thompson* in his *Popish Intelligence* of the 15th of *March*, would insinuate as if there were no such Address, by Printing a Story, That the Mayor, Aldermen and some others of this Town, being Assembled on *February 28. 1687*. A Printed Paper purporting to be the manner of the Election, and containing also an Address made to the Members, &c. was read amongst them, and that none of the Assembly would own his Consenting to or making that Paper or Address; Touching which it must be Noted. 1. That the Mayor and several of these Gentlemen, were disobliged by being Out-Voted, and much offended, because they could not carry it for their Friend *Sir Walter Clarges*, and so had no Reason to Address to the Members duly and fairly Elected, because they had vigorously appeared for a contrary Party. 2. That there are in that Pamphlet in relating the manner of the Election some galling Truths, or if you please Reflections, which possibly had better been spared, and therefore no wise man would own the making it. But for the Address it self 'tis certain, That it was agreed upon, consented unto, and will be Justified by the far greater part of the Electors of this Antient and Eminently Loyal Borough, of which 'twas thought fit here to give this brief Account, for obviating any slanderous Objection that might be made on that occasion.

#### The Address of the Gentlemen and Free-holders of *Bedford*.

*To the Right Honourable the Lord Russel, and Sir Humphrey Munnox, Elected Knights for that Shire, on the 14th, of February, 1687.*

**W** HEN it pleased His Majesty to summon His Peers and Commons of this His Realm to meet Him at *Westminster*, in the last Parliament, we accordingly then Chose You to Act on our behalf. And being abundantly satisfied, not only in Your Courage, Integrity and Prudence in general; but also in Your particular Care, and faithful conscientious Endeavours: (1.) To assert our Right of Legal Petitioning for Redress of our just Grievances, and to punish those who were studious to betray it: (2.) To secure the Meeting, and Sitting of frequent Parliaments (already by Law provided for) for the preservation of our Lives, Liberties and Estates; and for the support of His Sacred Majesty; and even of the Government it self: (3.) To Repeal the Act of the 35th of *Elizabeth*, whereby all true Protestants might possibly,

possibly, in case of a Popish Successor (from which God of his infinite Mercy defend us) be liable to utter Ruine, Abjuration, and perpetual Banishment. (4.) To secure his Majesty's Royal Person, the Protestant Religion, and well Established Government of this Realm. (5.) To destroy and root out Popery. (6.) To use the most effectual means conducing to so good an End; *viz.* The Exclusion of a Popish Successor, both by name, and otherwise. We have therefore now chosen you again to represent us in like manner in this Parliament called to be held at Oxford, in full Trust and Confidence, that with the same Courage and Integrity you will persevere in the same good Endeavours, pursuing all things that (by joynt consent of your Fellow-Members) shall be found for our publick Good and Safety. And in full assurance that you will not consent to the disposal of any of our Moneys, till we are effectually secured against Popery, and Arbitrary Power, do resolve (by Divine Assistance) to stand by you therein.

*The Address of the Gentry and Free-holders of the County of Suffolk, to their Representatives Chosen the 14th of February, 1680. presented to them by Sir Philip Skippon, in the name and by consent of the rest of the Electors.*

*To the Honourable Sir Sam. Barnardiston, and Sir Will. Spring, Baronets, Knights of the Shire for the County of Suffolk.*

Gentlemen,

WE the Free-holders of this County having chosen you our Representatives in the last Parliament, in which we had satisfactory Demonstration of your Zeal for the Protestant Religion, of your Loyalty to his Majesty's Person and Government, and of your faithful Endeavours for the Preservation of the Laws, our Rights and Properties; we now return you our most hearty Thanks, and have unanimously chosen you to represent this County at the Parliament to be holden at Oxford the 21st of March next: And though we have not the least distrust of your Wisdom to understand, or of your Integrity and Resolution to maintain and promote our common Interests now in so great hazard, yet we think it meet (at this time of imminent Danger to the King and Kingdom) to recommend some things to your Care; And particularly we do desire,

1. That (as hitherto you have, so) you will vigorously prosecute the Execrable Popish Plot, now more fully discovered and proved by the Trial of *William* late Viscount *Stafford*.

2. That you will promote a Bill for excluding *James D.* of *Tork*, and all Popish Successors from the Imperial Crown of this Realm; as that which under God may probably be a present and effectual means for the preservation of his Majesty's Life, (which God preserve) the Protestant Religion, and the well-established Government of this Kingdom.

3. That you will endeavour the frequent meetings of Parliaments, and their sitting so long as it shall be requisite for the dispatch of those great Affairs for which they are convened, as that which is our only Bulwark against *Arbitrary Power*.

4. That you will endeavour an happy and necessary Union amongst all his Majesty's Protestant Subjects, by promoting those several good Bills which were to that end before the last Parliament.

And that till these things be obtained, which we conceive necessary even to the Being of this Nation, you will not consent to bring any Charge upon our Estates; And we do assure you that we will stand by you with our Lives and Fortunes in Prosecution of the good ends before recited.

*The Address of the Town of Hertford, February 21. 1682.*

*To the Right Worshipful Sir William Cooper Baronet, and  
Sir Thomas Byde Knight.*

WE the Free-men and Inhabitants of the Burrough of *Hertford*, in the County of *Hertford*, having unanimously Chosen You our Representatives to Sit in the next ensuing Parliament to be holden at *Oxford* the 21st of *March* next, cannot but with all Thankfulness acknowledge your most faithful Endeavours, and unwearied Pains in serving us in the last Parliament, searching into and discovering the late damnable Hellish Popish Plot; The preservation of His Majesty's Person, the Protestant Religion, and the well established Government of the Realm; To secure the Meeting and Sitting of frequent Parliaments; to assert our undoubted Right of Petitioning, and to punish such who would have betrayed those Rights; To promote a happy Union amongst all His Majesty's Protestant Subjects; to Repeal the Act of the 35th of Queen *Elizabeth*, and the Corporation Act; and particularly for what Progress hath been made in the Bill of Exclusion of all Popish Successors, the principal Cause of all the Miseries and Ruine impending these Kingdoms in general; beseeching You as now our Representatives, to prosecute the same good Ends and Purposes, until the Nation shall be thoroughly secured against Popery and Arbitrary Power, both in Church and State. And further, in imitation of the ever Renowned City of *London*, We Request You in our behalf, to present our humble Acknowledgements to the Right Honorable the Earl of *Essex*, and by him to all the rest of those Right Honorable Peers, for their late Excellent Petition and Advice to His Majesty; and for all the rest of all their Faithfull Services and Endeavours they have performed for the Protestant Interest of the Nation.

*The Address of the Gentry and Free-holders of the County of Essex.*

*To Sir Henry Mildmay and John Lemot Honeywood Esquire  
Unanimously Re elected Knights for the Shire, Feb. 22. 1682.*

*Gentlemen,*

THE Faithful Discharge of that Trust we formerly gave You, is the true Inducement of our Chusing You again to be our Representatives, being abundantly satisfied not only in Your Care and Prudence in General, but also in Your Particular Care and Unwearied Diligence in Your Conscientious Endeavours to secure His Majesty's Royal Person, the Protestant Religion, and Government of the Realm; To Unite all His Majesty's Protestant Subjects; To Repeal the Act of the 35th of *Elizabeth*; To Assert our just and ancient Rights and Priviledges, and particularly that of *Petitioning*; and to punish those who were studious to betray them: For Your two excellent Addresses, and Publishing Your Votes; Endeavouring to secure the Meeting and Sitting of Frequent Parliaments; To destroy and root out *Popery*, by securing us against all Popish Successors, and particularly by passing a Bill against *James Duke of York*, without which we are highly sensible, that all other means will be ineffectual, and the Peace and Safety of the Kingdom and government (it self) left in great danger; it being inconsistent with our Oath, by which we swear against the *Pope's Supremacy*, whil't a Popish King himself owns it; and it being against the Essence of Government, that People should obey him, who, by his Principles, (as a *Papist*) is bound to destroy them.

And as we do heartily thank You for Your past worthy Behaviour herein, so we have chosen You to Act on our behalf in the next Parliament to be holden at *Oxford*, in full trust and confidence, that with Courage and Integrity, You will persevere in the same good Endeavours, pursuing all things that shall be found for our Publick Good and Safety.

And



And in full Assurance that You will not consent to the disposal of any of our Moneys, till we are effectually secured against *Pope*ry and *Arbitrary Power*; And untill the Fleet and Garisons are settled in the Hands of such as are Persons of known Loyalty and Fidelity to the King and Kingdom, and true Zeal and Affection for the Protestant Religion, and we do resolve (by Divine Assistance) to stand by You therein with our Lives and Fortunes.

'Tis observable, That this Address being openly read to their Representatives, and confirm'd by the Unanimous and loud Acclamations of the Free-holders, for further demonstration that it was the Sense of each individual person of that Numerous Assembly, it was offered, that so many as agreed to it, should say *Ay*; upon which, they all cried out *Ay, Ay*. And if any were otherwise minded, they were desired to express their Dissent by saying *No*: At which there was *Altum Silentium*, not one to be heard saying *No*.

*The Address of the Gentry and other Free-holders of the County of Surrey, being in number about 2000, Feb. 23. 1682.*

*To Arthur Onslow and George Evelin Esquires, elected Knights for this County, in the ensuing Parliament, whose Session is appointed at Oxon, the 21st of the following Month.*

WE the Free-holders of the County of *Surrey*, having in the two former Parliaments chosen you to be our Representatives, and being fully satisfied in your Faithfulness and Care to preserve the Protestant Religion, His Majesty's Royal Person, the good Government of the Nation by Law, and in securing our Rights and Liberties; for your real Endeavours herein, we joyntly return our hearty Thanks, and have now chosen you again, to be our Representatives in this Parliament. And though we have not the least Suspicion or Doubt of your Wisdom and Integrity, in Acting for our Common Good (now, as we apprehend, in great danger) yet we judge it expedient to discover our Minds and hearty Desires, in the Particulars following, (*viz.*)

I. That you'll continue vigorously to prosecute the horrid Popish Plotters, and endeavour they may be brought to condign punishment, especially all *Sham-Plotters*, which we esteem the worst of Villains.

II. That you will insist on a Bill for excluding all Popish Successors to the Crown, which (we believe) an effectual Means (under God) for preserving the Protestant Religion, His Majesty's Life and Tranquillity, with the well established Government of the Kingdom, and securing it to our Posterity.

III. That you endeavour passing a Bill for Regulating Elections, and the Frequency of Parliaments (for dispatch of those weighty Affairs of the Nation, that shall from time to time be before them) which we judge the best prevention of an Arbitrary Power.

IV. That you persevere in Asserting our Right of Legal Petitioning, for removing our just Grievances, and pass a Bill (if there be no Law) to punish such that shall obstruct it.

V. That you will use your utmost Endeavours to bring in a Bill against Pluralities of Church-Livings, Non-residency, and Scandalous Ministers, of which there are too many in most Counties.

VI. That you will endeavour to preserve His Majesty's Person, to root out Popery, and prevent Arbitrary Government, and use your utmost Endeavours to unite His Majesty's Protestant Subjects.

VII. Lastly, That you will not consent to any Money-Bill, till the foresaid Particulars be effected; and in so doing, we hereby promise to stand by you with our Lives and Fortunes.

*The Address of the Free-holders of the County of Leiceſter.*

To the Right Honourable Benet Lord Sherrard, and Sir John Har-  
topp, Baronet; as it was audibly read in Court by the Sheriff, and  
unanimouſly approved of by the ſaid Free-holders, immediately after  
their Election, 24 Febr. 1687.

WE the Free-holders of the County of Leiceſter, having choſen you to be our  
Representatives in the Two laſt Parliaments, being highly ſenſible of the  
care you have taken to ſecure his Maſteſty's Royal perſon, the Proteſtant Religion, our  
Liberties and Properties: as alſo your Endeavours further to diſcover and proſecute  
the horrid Popiſh Plot ſpread over the Realm of England, and others of His Ma-  
jeſty's Dominions, with your zealous promoting an happy Union of all good Pro-  
teſtants in this Land, not only by good and wholeſome Laws for that End, but by  
Repealing thoſe which were deſtructive to it; and eſpecially for your perſiſting in  
the Excluſion of James Duke of York, and all other Popiſh Succeſſors from inher-  
iting the Imperial Crown of England; which we eſteem the only Security under God,  
of His Maſteſty's Perſon and Dominions; Likewise, your Vindicating our funda-  
mentally Right of Petitioning His Maſteſty for frequent Sitting of Parliaments, by  
your particular Marks of Diſpleaſure laid upon the Oppoſers of it: For all which,  
and other good Laws you were about to make, we give you moſt hearty Thanks.  
And having now again Unanimouſly choſen you for the enſuing Parliament, if  
you ſhall continue the proſecution of the aforementioned *absolutely neceſſary Things*,  
we ſhall ſtand by you with our Lives and Fortunes.

*The Address of the Gentry and Free-holders of the County of York, pub-  
lickly read in Court, and fully conſented to by the whole Aſſembly, by a  
general Acclamation at their Election, March 2.*

To the Right Honourable Charles Lord Clifford, and Henry Lord  
Fairfax.

*May it pleaſe your Lordſhips,*

THE Assurance we had of your Fidelity and Activity, for the Service of our  
King and Country, in the Parliament which began at *Weſtmiſter* the 6th.  
of *March* 1678. Was the only Reason of our Choice of you to Represent us in the  
laſt Parliament, and our experience of your Faithfulneſs and Diligence in the  
ſame Service the laſt Parliament, is the only Ground of our uncontradicted Choice  
of you again this Day into the ſame Truſt, for the enſuing Parliament, appointed  
to meet at *Oxford* the 21th. inſtant. And we judge it our Duty, as good Prote-  
ſtants, Loyal Subjects, and True *Engliſhmen*, not only to expreſs our hearty Concur-  
rence with you in, but alſo to return you our real and publick Thanks for the  
many good Things you did, and were about to do in both the laſt Parliaments; and  
more eſpecially, for your reaſonable Addreſſes to His Maſteſty, your Neceſſary Votes,  
Reſolutions, Orders, and Bills, whereby you have endeavoured,

1. To preſerve the Proteſtant Religion, His Maſteſty's Perſon, and the Kingdoms  
of England and Ireland from the many Dangers which threaten them.
2. To Exclude a Popiſh Succeſſor.
3. To Unite all His Maſteſty's Proteſtant-Subjects.
4. To purge out the Corruptions which abound in Elections of Members to ſerve  
in Parliament. And,
5. To ſecure us for the future againſt Popery and Arbitrary Power.

And we intreat you to proceed in a Parliamentary way to the Accompliſhment  
of theſe Excellent Things; and we aſſure you, that theſe things being done, we ſhall  
with

with great chearfullness be willing to supply His Majesty (to the utmost of our Ability) with Money, for the securing of His Interest and Honour, both at home and abroad.

*A Letter agreed upon by the Mayor and Inhabitants of the Borough of Bridgwater, to be sent to their Burgeſſes choſen on the 26th of February.*

Sir Halſwel Tynt, and Sir John Malet,

WE greet you both with our moſt humble and hearty Service, and by theſe inform you, that on *Saturday* the 26th. paſt, with all becoming Calmneſs and Fairneſs, we Elected you to be our Burgeſſes and Representatives in the enſuing Parliament.

We do alſo Unanimouſly approve of that great Care and indefatigable Induſtry which the laſt Parliament took, in and toward the ſecuring of the Proteſtant Religion (than which nothing is more dear to us) His Majesty's Sacred Perſon and Government, together with the Vindication and Preſervation of our Native Rights, Liberties and Priviledges; For their utmoſt Endeavour to bring the *Betrayers* of the ſame, together with all the principal Conſpirators in that moſt damnable and helliſh Popiſh Plot, to condign puniſhment, not omitting our grateful Acknowledgments of thoſe many *Good Bills* which they had prepared; And moreover, for all thoſe worthy Votes, Reſolutions and orders made and paſt in that *moſt Loyal*, and never-to-be-forgotten Parliament, whereof one of you in the laſt, and both of you in former Parliaments (to our great comfort and encouragement) approved your ſelves faithful Members.

We do alſo humbly and heartily Deſire and Petition you to follow their good Precedent and Example in this enſuing Parliament, to do your utmoſt to ſecure the King's Perſon, with the Proteſtant Religion (which we apprehend, with deep ſenſe of mind, to be in imminent Danger) from all Popiſh Attempts and Conſpiracies whatſoever; As alſo to take Care for the *Excluſion* and Prevention of any Popiſh Succeſſor from inheriting the Imperial Crown of this Realm.

In the firm and faithful Diſcharge of that great Truſt we have repoſed in you, (whereof we do not in the leaſt doubt) withal confidently believing, That you will not charge our *Eſtates*, till we are effectually ſecured from Popery and Arbitrary Government; We do aſſure you, That we will ſtand by you with our Lives and Fortunes: And we ſhall ever pray for your good Succeſs.

*The Senſe of the Gentry and Free-holders of the County of Nottingham, to Sir Scroop How and John White, elected Knights of the Shire there, Febr. 22. as it was delivered in the following Speech made by a worthy Gentleman, in the Name, and by and with the Conſent and Approbation of the whole Company of Electors.*

Gentlemen,

WE give you hearty Thanks for your good Service in the late Parliaments, and for accepting the ſame Truſt again; And we deſire you to perſevere in the ſame ſteps you have before made for the Preſervation of His Majesty's Royal Perſon, againſt the wicked Attempts of the Helliſh Plotters; And for the Defence of Religion and Property, againſt Popery and Arbitrary Power; and that you would be ſparing of our Money, until thoſe things are effectually ſecured, and a ſure Foundation laid of an happy Union between the King and his People, by the removal of thoſe Evil Inſtruments, who, through private Intereſt and Ambition, make it their buſineſs to divide their Affections.

The



*The Barkshire Address, to the Gentlemen Unanimously Elected to serve, for that County, Feb. 28. 1682.*

*To the Worshipful William Barker, and Richard Southby, Esquires, now Chosen to be the Representatives of the County of Berks.*

WE the Free-holders of this County, being abundantly satisfied of your Faithful Discharge of the great Trust we reposed in you in the last Parliament, in your Care and constant Attendance, is the true Inducement of our Chusing you again this Day to be our Representatives in this Parliament to be holden at Oxford, and do return you our hearty Thanks,

1. That you have asserted our Right of the Legal Petitioning for Redress of our just Grievances, and punishing those who labour to betray it.

2. For endeavouring to preserve his Majesty's Royal Person, the Protestant Religion, and the Established Government of this Realm.

3. In using the most effectual Means conducing to so good an End, (*viz.*) the Excluding of *James Duke of York*, or any Popish Successor, from ever Inheriting this Crown, being the only way (as we imagine) under God, to destroy and root Popery out of this Realm.

4. For endeavouring the frequent Meeting and Sitting of Parliaments (already by Law provided,) for the preservation of our Lives, Liberties, and Estates; for the support of his Majesty, and the Government it self.

5. For Repealing the 35th of Queen *Elizabeth*, whereby all true Protestants might not be liable to utter Ruine, and perpetual Banishment.

6. For your Inspection into the Illegal and Arbitrary Proceedings of the Courts in *Westminster-Hall*, as destructive to publick Justice, and violating the Rights of the Subjects; and in effect to subvert the Ancient Constitution of Parliaments, and the Government of this Kingdom.

7. That you laboured for an Happy and Necessary Union amongst all his Majesty's Protestant Subjects, as being the surest way to defend the true Religion from all the evil Attempts of our Popish Adversaries.

8. For Repealing the Corporation Act.

And now our Request is, That you will not consent to any Money-Bill, till the aforesaid particulars be thoroughly effected; and, in so doing, we do hereby engage to stand by you with our Lives and Fortunes.

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*The Address of the Town of Dover.*

*To Thomas Papillon, and William Stokes, Esquires, the late and now new elected Members to serve in Parliament, for the Town and Port of Dover in the County of Kent.*

WE the Mayor, Jurats, and Commonalty of the said Town of *Dover*, having duly considered the good Abilities, and great Faithfulness of you who have been our Representatives in the two preceeding Parliaments, and have therein given demonstration of your Loyalty to his Majesty, and for the Security of his Majesty's Kingdoms, do with all gratefulness return you our hearty thanks, and do pray that in pursuance of the Trust we have now again reposed in you, you will with the same Candor and Faithfulness, endeavour the Security of his Majesty's Person, the Protestant Religion, and his Majesty's Protestant Subjects, by your utmost endeavours for the perfecting of those good Bills that were before you in the last Parliament; in prosecution of which we will stand by you with our Lives and Fortunes.

*The Address of the Borough of New-Castle under Line, as it was read in the Town-Hall by the Recorder, and fully consented to by the Inhabitants, March the 3d.*

*To the Right Worshipful Sir Thomas Bellot, Bar. and William Lovelson Gower, Esq; now Chosen Burgessees for the Borough of New-Castle under Line.*

WE the Mayor, Aldermen and Free-Burgessees, Inhabitants of the aforesaid Borough, being deeply sensible of your faithful Discharge of the great Trust reposed in you the two last Parliaments, and of the unspeakable Danger threatening his Majesty's Life, the Protestant Religion, and the well-established Government of this Kingdom, from the Hellish Designs of the Papists, and their Adherents. And that our Religion and Liberties can only (under God) be secured to us and our Posterities by the wholesome Advice of Parliaments, have now chosen you again to represent us in the next ensuing Parliament to be held at Oxford, March 21st. instant, in confidence of your continued Faithfulness, Integrity and Courage still to Discharge so great a Trust, especially in this time of so imminent Danger.

And we do hereby declare, That to our utmost power (though with the hazard of our Lives and Fortunes) we will maintain and approve of what shall be resolved in Parliament for the maintaining the Protestant Religion against Popery and Arbitrary Government.

And we also (having already had such Experience of your Affections to the Kingdoms Interest) hope that you will *not consent to the Disposal of any of our Moneys* till we are effectually secured against Popery; and *then a Charge upon us to the half of what we enjoy* will be cheerfully accepted by us.

And, we hope, that you will also endeavour, to the utmost of your Power, to disengage *James Duke of York*, and all other Popish Pretenders, from Inheriting the Imperial Crown of this Realm. And thereby you will lay a firm Obligation upon us, who will heartily and unfeignedly pray for your good Success in so weighty an undertaking.

Signed *Ralph Wood*, Mayor, *Nath. Beard*, and *Will. Middleton*, Justices, and by the Aldermen, and Capital Burgessees, and above 100 more of the Chief Inhabitants with their own hands.

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*The Address of the Gentry and other Free-holders of the County of Suffex.*

*To Sir Will. Thomas, and Sir John Fagg, presented them upon their being elected Knights for the County, at Lewis, March the 3d.*

Gentlemen,

HAd we not heard well of Your Fidelity in discharging former Publick Trusts, we had not this day called You to the same Employ; for they that betray, or neglect our service once, shall never receive our Trust again; And though we have no intention to limit or circumscribe the Power we have laid in You, yet we must desire, (and with that earnestness as becometh those that beg for no less than the life of their King, Government, Religion, Laws, Liberties and Properties; yea the very Lives and beings of all the Protestants in the World,) That You would please as our Representatives, to have an especial regard to these particulars following.

1. That you would effectually secure His Majesty's Royal Life, and the Lives of all His Majesty's Protestant Subjects, by a firm and Legal Association.

2. That You would repeat the Endeavours of the Two former Worthy Parliaments; in barring the Door against all Popish Successors to the Crown; and in particular against *James Duke of York*, and Arbitrary Government.

3. That You would be incessant in Your Endeavours for uniting His Majesty's Protestant Subjects.

4. That You would further search into the bottom of those Damnable and Hellish Plots of the *Papists*, that have been laid against His Majesty's Life, the Protestant Religion, and Government, and to bring those Horrid Criminals to Justice.

5. That You would not forget those Execrable Villains, that by receiving Pension, betrayed our Trusts, and our Liberties in the late Long Parliament, but do such Exemplary Justice on them, that all others for the future may fear, and do no more so wickedly.

And in doing these Great things, and all others that You shall judge necessary for the Peace, Safety and Prosperity of the Nation, we shall not only stand by you as Thankful Acknowledgers of Your Service, but reckon it our Duty (if any hazard threaten you) to defend You as Worthy Patriots, with our Lives and Fortunes.

### *The Cheshire Address.*

*To the Honourable Henry Booth, Esq; and Sir Robert Cotton, Kt. and Bar. being chosen Knights for that County, March the 7th. Immediately after their Election, the Right Honourable the Lord Colchester, and the Lord Brandon, presented then a Paper, containing the Sentiments and Desires of the Gentry and Free-holders, in these words:*

**W** E the Gentry and Free-holders of the County Palatine of *Chester*, who have by a free and unanimous Consent *Re-elected* You to be our Representatives in Parliament, do thankfully acknowledge Your joyned Integrity and concurrence with the Worthy and Eminent Members of the *Last*, who in so *Signal* (and never to be forgotten) a manner of *Petitioning*, promoted the Union, Support and Growth of the True Protestant Religion Established by Law; And the only Expedient (we think) to perpetuate these to our Posterity, is to *adhere* to what the late Parliament designed *relating to the Duke of York*, and all Popish Successors; to provide for the Defence and Safety of His Majesty's Person; vigorously to pursue the Discovery of the horrid Popish Plot; and to punish all Sham-plotters, whom we esteem the worst of Villains, without which His Majesty can neither be easie, nor secure. These with those great and Excellent things then under their Considerations, make us confident of Your Sincerity and Proceedings; which that they may be successful, is our prayer, and will be the support of all those who wish the happiness of His Majesty, and these distressed Kingdoms. We likewise desire the Votes may continue to be *Printed*, that till the effects of your endeavours (on which depends the happiness both of Church and State) are accomplished, we may be truly acquainted with your proceedings.



*The Northamptonshire Address, March the 8th.*

To John Parkhurst and Miles Fleetwood, Esquires, then elected  
Knights for that County.

*Gentlemen,*

THAT we are extremely satisfied of Your faithful and honest discharge of the great Trust reposed in You by this County of *Northampton* in the last Parliament, is most evident, by our Hearty Thanks we now return You, and by our Unanimous Electing of You again, to serve for us in the next Parliament to be holden at *Oxford*.

*Gentlemen,* We find by Experience, you so well judge of the sense of our Country, that we need not tender You our Thoughts in many Particulars. Only, as the Preservation of His Majesty's Sacred Person, the Protestant Religion, and our Properties, are of the greatest Concern, and most dear unto us, So more especially we recommend them unto you, desiring You to use Your utmost Endeavours.

1. That there may be a more full and perfect Discovery of that most Hellish Popish Plot, and all other Sham-Plots.
2. That we may be secured against a Popish Successor.
3. That there may be found means of Uniting His Majesty's Protestant Subjects, against the Common Enemy.

*Gentlemen,* In pursuance of these good Ends, and such others, as You shall think conducing to the happiness of the King and Kingdom, We shall stand by You with our Lives and Fortunes.

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*The Address of the Town of Taunton, March 11th.*

To Edmund Prideaux and John Trenchard, Esquires.

*Worthy Sirs,*

WE do most Heartily acknowledge Your great Wisdom, Courage, and Faithfulness, in the Discharge of the Trust, by Us Reposed in You, as Members of the late Dissolved Parliament, whose Worthy Endeavours for the Happiness of the King and Kingdom, exceedingly Rejoyced the hearts of True English and Protestant Spirits, and will make them Famous to Posterity.

And now Sirs, having a full assurance of Your Perseverance in the same good Works, we have presumed again, to make Choice of You, as Our Representatives in the Ensuing Parliament, desiring Your Acceptance of that great Trust. And begging You, as that wherein the Glory of God, the Interest of the Protestant Religion, the Safety and Welfare of the King and Kingdom is highly concerned, to Prosecute (as shall be Guided by the Wisdom of that Honourable House,) these following Particulars, viz.

1. That some effectual course may be taken for the Safety of His Majesty's Sacred Person and Government, which have been and still are in extreme danger, by the abominable Plots and Attempts of Papists.
2. That further Search be made into the Horrid Popish Plot, and the Plotters and Abettors thereof brought to condign Punishment.

3. That

3. That You will joyn with the rest of that Honourable House (whereof You are now Chosen to be Members) in repeating the Endeavours of the Two last Worthy Parliaments, to bar all Papists (and especially *James Duke of York*) from the exercise of the Royal Authority of this Kingdom.

4. That You will with all diligence endeavour the Uniting of His Majesty's Protestant Subjects, and the Repealing those severe Laws that are obstructive thereof.

5. That all good Endeavours be used for the securing of our Religion and Property, and the just Rights and Privileges of the Subject.

6. That some Law may be made for the preventing of the Excesses and Exorbitances in the Elections of Members of Parliament, and of undue Returns; And that some effectual Provision may be made for the meeting of frequent Parliaments, and for their fitting to redress Grievances, and to make such wholesome Laws as shall be necessary for the welfare of this Nation.

7. That some effectual course be taken to give a check to Prophaneness and Debauchery, which threaten Ruine, or at least exceeding great Prejudice to the Kingdom.

In prosecuting of all which worthy Acts, we shall endeavour your Defence with our Lives and Fortunes.

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*The Humble Address of the Young Men of the Borough of Taunton.*

To Edmund Prideaux and John Trenchard, Esquires, who were Unanimously chosen by the Inhabitants, to be Representatives of the said Borough, to serve in this Parliament, which is to Sit at Oxford, March 21, 1681.

SIRS,

THOUGH we are not immediately Concern'd in the *Electing* Members to Serve in Parliament; yet being deeply sensible that we shall bear an equal share with others in the same Common Danger, and Universal Slavery, which *Hell* and *Rome* have been, and still are with joint and unwearied Endeavours, attempting to involve these Protestant Nations in; we cannot without charging our selves with unparallel'd Ingratitude, omit the returning you our hearty Thanks for that good and eminent Service you did both us and the Nation in the late Dissolved Parliament; That you did with such inflamed Zeal, with such undaunted Courage and Resolution, endeavour the Security of our Religion, Liberty and Property, against that cursed Popish Faction, who were the Invaders of them; particularly we deem our selves infinitely obliged for the great Care you manifested in the preservation of His Majesty's Sacred Person, in your strenuous prosecution of the Horrid and Damnable Popish Plot, and in that your Attempts were so Brisk and Vigorous from the preventing of an Arbitrary and Tyrannical Power (which we cannot but Unanimously abhor) Liberty and Property being an Inheritance, which as *Englishmen*, we are born unto. And above all, we commend your Courage and Prudence in prosecuting that happy Expedient of Excluding a Popish Successor from Inheriting the Imperial Crown of this Realm; without which we judge it utterly impossible, that the Protestant Religion can be secured to us, or that our necks can be long free from that *Romish Yoke*, which neither we nor our Fathers were able to bear: And now sith it hath pleased our Gracious King to Issue forth His Royal Proclamation, signifying His pleasure to meet His People again in Parliament, We cannot but Address our selves to you the Representatives of this Borough, Humbly Requesting, That you would, according to the Trust Reposed in you, Vigorously prosecute those Counsels that have a Tendency to an happy Settlement of Affairs both in Church and State; particularly, our Unanimous Request to you is,

1. That forasmuch as the late Horrid and Hellish Plot hath according to the Votes of the preceeding Parliaments, received Life and Countenance from *James Duke of York*,

*York*, you would expedite a Bill for the utter Incapacitating him ever to sway the Scepter of these Kingdoms, and that the Bill of *Association* may be annexed, whereby all His Majesty's Subjects may be enabled to *oppose* him or any of his Accomplices, in case he should attempt to possess himself of the same.

2. To take such Measures as your Wisdom shall agree upon for the *Uniting* of the Protestant Interest in these Nations.

3. That the *Artillery* and *Militia* of the Nation be settled in the Hands of Men of known Integrity, Courage and Conduct; and that all Papists and Popishly affected Persons now in places of *Publick* Trust, be Discharged (which if effected) may be a means to prevent those great *Fears* and *Jealousies* which are apt otherwise to be nourished amongst us.

4. That you proceed to the Tryal of the *Popish Lords*, together with all other Criminal Offenders, and go on sitting to the bottom that Execrable Plot, which hath been, and we must fear *still* is carried on, to take away His Majesty's Life (whom God long preserve) to root out the Fundamental Laws of this Realm, as also to introduce Popery into the Church, and Tyranny into the State.

5. That you take Cognizance of the Illegal and Arbitrary Proceedings of Courts, as well *Ecclesiastical* as *Civil*, as you have begun, that so the *Laws* may not be wrested against the Protestant Dissenters, nor stretched in favour of *Popish Recusants*; As also to consider the unpresented *Finings* and *Imprisonings*, whereby many of His Majesty's truly Loyal Subjects have been grievously oppressed.

6. That you would speedily think of some good Expedient for the Regulating of Elections, as also for Removing of those Oaths and Tests, which have proved no small hinderance to divers Worthy Protestants, from being Useful Instruments in Serving their King and Country in *Church* and *State*.

These things, worthy Sirs, we humbly offer to your Considerations, not as *Directors*, but *Remembrancers*, out of a Principle of Loyal Zeal for his Majesty's Security, and our Countries Tranquility: And assure your selves in the Prosecution of these truly Noble Designs, we will defend you with our Lives and Fortunes; accounting our dearest Blood a Tribute due to the Safety of our King and Country, when called for, in their Defence.

The Address of the Ancient Town of Winchelsea, (a Branch of the Cinque-Ports.)

To their Barons Sir Steven Lenord and Creswel Draper Esquire, elected in their absence, March 4. and ordered by the Mayor and Jurates to be presented to them; the said Mr. Draper serving for them in the last Parliament.

Mr. Draper,

YOU may assure your self, That we are very highly satisfied with your unwearied Pains; as also, of your honest Discharge of the great Trust we reposed in you in the last Parliament, by our hearty Thanks we now return you, and by our Unanimous Electing you again to serve for us in the next Parliament to be holden at Oxford.



*And Gentlemen, as for you both,*

**W**E know you are so sensible of our Condition, that we need not tender you our Thoughts in many particulars; only the Preservation of his Sacred Majesty's Person, our Religion, and Properties, which are of the greatest Concern, and most dear unto us: And especially in order thereunto, we commend unto you, and desire you to use your utmost Endeavours,

1. That there may be a full and perfect Discovery of that most Hellish and Damnable *Popish Plot* in *England* and *Ireland*, and all other *Sham-Plots*, which have been wickedly Contriving and Acting for many years past.

2. That effectual Means be used for *Uniting* all his Majesty's Protestant Subjects against the common Enemy, both at home and abroad.

3. That all effectual Means and Ways may be provided to secure us against a *Popish Successor*: and particularly against *James Duke of York*.

4. That you will endeavour, as far as in you lies, That a Law may be made for putting our *Free-Lands* and *Houses* under a *Voluntary Register*, that thereby this Kingdom may be a just and honourable *Fund*, whereby Moneys may be taken up upon all urgent Occasions, and so prevent the great Ruines we now lie under, for want thereof.

5. That you will use your utmost Endeavours to put a *Brand* upon those abominable *Monsters*, which were the *Pensioners* in the late *Long Parliament*; that thereby the Generations to come may be deterr'd from Attempting the like unheard of Villainy.

6. That you will vigorously and carefully represent to the rest of your *Fellow Members*, the present Condition of the *Royal Navy*, as also of the *Stores*, *Castles* and *Forts*, which are, under God, the Bulwarks of *England*; and that such effectual Ways and Means may be found out and prosecuted for the better Securing and Improving the Navy; as also, That none may be employed therein, but such Persons who are of known Integrity and Loyalty both to the King and Nation; and that all Debauch'd and Unskillful Persons now employ'd, may be removed, and Men fearing God, loving Truth, and hating Covertness, may be put into their Places; that so our present Fears may be abated, and thereby the dreadful growing Power of *France* may be timely check'd.

*Gentlemen*, In the pursuance of these good Ends, and such other as you shall think conducing to the Happiness of the King and Kingdom, we shall stand by you with our Lives and Fortunes.

*There were many more Addresses, of like Nature and Purport, made from divers other Parts of the Realm; true Copies of which are not yet come to our hands: But, indeed, the Re-election of so many of the former Members, is it self a general Address, and loudly speaks it. The Voice of the People, which we trust, will be ratified by the Voice of Heaven. No Popish Successor, no French Slavery.*

T H E  
S P E E C H

Of the Honourable

Henry Booth, Esq;

Spoken in *Chester*, March 2. 1682. at his being Elected one of the Knights of the Shire for that County, to serve in the Parliament, Summon'd to meet at *Oxford* the Twenty first of the said Month.

*Gentlemen and Countrymen,*

I Must acknowledge that God hath been good unto me from my Cradle to this moment, and of all his Providences to me, there is none for which I have greater reason to bless his Holy Name, than that he hath enabled me to govern my self and actions so, as to gain your good opinion and kindness; and I cannot but own I have your favour accompanied with all the obliging Circumstances imaginable: for the first time that you were pleased to command my Service was in the Eighteen Years Parliament, upon the death of Sir *Foulk Lucy*, who had served you faithfully in that Parliament; and though I was raw and unacquainted with those affairs, and without any Tryal of my Integrity, you ventured all you had in my hands at a time when *England* was in danger to be lost for want of a Vote: For that Parliament chiefly consisted of such as sold their Country for private advantage, and would have sold their King too, if they could have made a better market; I served you some time in that parliament, at last it was Dissolved, and a new one called, and then as if you had approved of what I did, you thought fit to employ me again in that Service; though you laid him aside who had been my Colleague; that Parliament continued not long, but was Dissolved, and a new one called; and then again a third time you thought me fit to represent you in Parliament, though as you had done before you set him aside whom you had sent along with me, and chose a new one in his room; but why you did me so Singular an honour as to continue me in your Service two Parliaments together, and did not the like to the other Gentlemen, it is not for me to give the reasons of it, those are best known to your selves. This is now the fourth time that I have waited on you on the like occasion, and it is not a lessening of your former kindness, that you have not changed my former Partner; but rather a Confirmation of it, because that the first time you have continued him is when he appears to be of my opinion; and that which still adds weight to your kindness is, that notwithstanding all this stir, this bustle, this unnecessary Charge and expence, all the Stories by which I have been traduced, you have not been prevailed upon to withdraw or diminish your favour.

Gentlemen, I humbly beg your Patience to speak a few words in answer to what they say of me, lest by Silence I may seem to cry Amen to their reports and Stories; the first thing they reported, was, that I would not stand again, but would decline

decline your Service: but withall they give no reason for it, only it is so because they said it; but what reason there is to contradict them now who said so the last time, and how true it was you well remember. So that this being the Second time that they have told you the self same falsehoods, I hope for the future that others will believe them as little as you have done. It was reported that I was kill'd without giving any reasons or circumstances, and that to this also they expected an implicit belief; I wish they are not for an implicit faith in all things. It was truly an excellent Artifice to thrust you out of your Votes; yet had I been kill'd, had it been for your Service, I should have thought my self well bestowed, and rather meet than avoid the occasion of my Death. They tell you also that I am very obnoxious to the King, but they do not tell you that I am restored to my former Station of my Commission of the Peace, without seeking or desiring it, it cannot be imagined that his Majesty would be so Gracious to a man of whom he hath an ill opinion, and it is a reflection to his Majesty to think he will do a thing of that Nature out of any regard whatsoever, but when a thing carries its weight and reasons with it, so that by this you may discern how all their reports are grounded, being rather the effects of their desires than that the thing is truly so.

It seems the Gentlemen are much displeased that this County have frequently commanded those of my Family to serve them in Parliament, they call it an entailing upon the Family, but they are not pleased to vouchsafe the reasons why the Son may not be employed as well as the Father, in case he proves as fit for it; but the truth is they would govern you, and are angry that you will be your own chusers; yet whether in this they design to serve you or their own ends, I submit to your Judgment; but as to my own particular, they think the County highly — that I have served you in several Parliaments. Alas Gentlemen, I know I am much inferior in Parts and Learning to a great many, but in faithfulness to your interest, I will submit to no man; but if you would observe it, they would impose that upon you which they would not have done to themselves. If they have a Servant who hath served them faithfully, they would not take a new one in his room because they have entertained him several years; but you must change your Members as oft as you have new Parliaments, though they serve you well, and you ought to hate them because they would have it so; for they give no better reasons for it; but whether they seek your good or their private regard, I leave to you to determine.

A Reverend Gentleman at *Northwich* was pleased to tell you, that you must not chuse the same Members again, for if you did, the King and parliament would not agree. I wonder how long he hath been one of the King's Cabinet Council, that he can tell so well before; if we may believe the greatest Ministers, they say otherwise, and that the King out of his gracious disposition to his people will deny himself in that which is most dear, rather than break with his people, so that either he or they are out; and I am not convinced that he is infallible, and am apt to believe that he is in the wrong, since I have observed that they are for the most part mistaken, who take upon them to judge of matters when they are at so great a distance from *White-Hall*, though it may be remembered that this Gentleman hath an affair at *London*, that requires his presence much oftner than he is pleased to afford it; and but that great wits are unhappy in short memories, that Gentleman could not have forgot that if the Parliament had continued, one of his Cloth had been severely reprov'd for meddling with matters not belonging to his Function, I mean Mr. *Thompson* of *Bristol*, and I hear there is so great a number of the last House chosen, and like to be chosen, that his fault will be remembered, which by the way, Gentlemen, is the Judgment of you in your choice of me, you doing that which the rest of the Nation hath done, and where any change is, it is only to reject those that were Pensioners, or else vehemently suspected to be Mercenaries. But I could wish it were not the opinion of too many, that the way to recommend themselves as true Sons of the Church is to Preach seldom, and meddle with State affairs more.

I hear some have taken offence, because at *Northwich* I did commend the last House of Commons; truly, Gentlemen, I only gave it as my Opinion, and till the contrary doth appear, I must believe that for Riches, Integrity, Learning, Experience, and all things that are expedient for members of that House, *England* never had



had a better; and why the parliament was Dissolved I know not, for they who advised it, have neither dared to own it, nor the reasons for it. There is one thing I could not but take notice of, in the opposition that hath been made against me. If you will observe, they are the persons that were most inveterate one against another in the dispute between Sir *Philip Egerton* and my Cousin *Cholmondley*; but to oppose me they are united as one man. If their new-made Friendship be sincere, and they have this way to do it, I am very glad I have been the occasion of their reconciliation; but if in this matter alone they are cemented, then it doth discover upon what Principles they act, and they are to be blamed, and not the Gentlemen who were set up to oppose me; for I believe them both to be very worthy men, one of them is my Neighbour, and I will do him what Service I can; and for the other he shall find me a Gentleman if he hath occasion to use me.

Gentlemen, I have as well as I can repeated the particular charges against me: I had but a short time to recollect my self: there remains yet a general Charge which I desire to speak to; and truly it is an heavy charge, a charge not to be born if I were guilty of it. They say I am an evil man as to the King and Church; I wish my accusers had either so much power or will to serve the King or Church as I have; and because I do not know my self to be guilty as to either of them, I hold my self obliged to say something in my Vindication.

I know not where I ever gave my Vote to impair the King's Prerogative; for this is my Principle, and ever hath been my Opinion, that the King's Prerogative, when rightly used, is for the good and Benefit of the People; and the Liberties and Properties of the People are for the support of the Crown and King's Prerogative, when they are not abused; but this blessed Harmony may sometimes be disordered either by the influence of some ill Counsel about the King, who to obtain their own ends, do not care to ruin their King and Master; or else from the restless Spirits of some ambitious men of broken fortunes, who hope to repair them out of other mens Estates. But It seems that I and the House of Commons are much to blame, because by one of our Votes we forbid the People to lend Money upon the Revenue by way of anticipation: I never knew it was a Crime to pass a Vote the Law had justified, for the Law will maintain every part of that Vote; and therefore I need say no more of it, and besides this is not a place to argue it in. As for my part I'll do my best to preserve the King's Prerogative, and the way to do it is neither to add nor to diminish; for to make a King absolute is not to support but pull down his prerogative, for the King holds his Prerogative by the Law, and if that be destroyed, the Title is to be disputed by the Sword, and he that hath the sharpest will prove to have the best right. As to the Church I am for it as it is now Established under Episcopacy, but I would have them to be such as *St. Paul* to *Tim.* in his first Book and 3 *chap.* describes, and when they live accordingly, I have as great a reverence for them as any man, but when they live otherwise they prove to be—and a ruin of the Church, and ought to be abhorred of all true Christians. And for Ceremonies I take them not to be necessary to Salvation, but for decency and order sake, and I conceive, this Ceremony is so much the more necessary, as it tends to the more effectual uniting of protestants, and to preserve Peace and concord in the Church: I am of opinion the Church is in danger, and I'll do my best to support it, and as the case stands we must either bring in Protestants or Papists; I am for bringing in Protestants, and that is my Crime; but you are pleased to judge me to be in the right. Now I will no longer doubt of my opinion, I am sure he that is against bringing in Protestants is for bringing in Papists; and whether it be more profitable to support the Church by uniting of those who differ in Ceremonies, or those who differ in Fundamentals, I think is very plain. Is he a wise man who if his house be falling, by reason of too much weight upon the roof, will lay more upon it, rather than prop it up and take off some of the weight? So they who take the Church to consist of Ceremonies, must pardon me that I am not of their opinion, since the word of God warrants no such thing, and my reason tells me that they are too much interested in the cause to be fit judges: for with them he is accounted a good Son of the Church, who keeps a great stir about Ceremonies, though he live never so ill a life, and perhaps is drunk when he performs his Devotion: but if a man seem to be indifferent as to Ceremonies, and make

them no more than indeed they be, yet in Practice Conforms more than he that makes a great noise about them, though he live never so godly a life, and as near as he can to the rule of God's word, yet he is a Fanatick and an enemy to the Church; but God Almighty tells us he will have mercy and not Sacrifice.

Gentlemen They who accuse me for an enemy to the King and Church have left you out of the story; but I hope I shall not forget you, but remember on whose errand I am sent; and as I have hitherto stuck to your interest, I hope nothing will draw me aside from it, and if I know my own heart, I am perswaded that neither rewards, threats, hopes nor fears will prevail upon me. I desire nothing but to promote God's glory and the interest of the King and people, and if it shall please God to let me see the Protestant Religion and Government established, I shall think I have lived long enough, and I shall be willing at that instant to resign my breath. Gentlemen, I thought good to say this to you, and I thank you for your patience, and hope I shall so behave my self in your Service, that I shall make it appear I am sensible of the honour you have done me.

I humbly thank you all.

*An Account of the Proceedings at the Sessions for the City of Westminster, against Thomas Whitfield, Scrivener; John Smallbones, Woodmonger; and William Laud, Painter; for Tearing a Petition prepared to be presented to the King's Majesty, for the Sitting of the Parliament. With an Account of the said Petition, presented on the 13th instant, and His Majesty's Gracious Answer.*

Vide the Resolutions of the Law, Cook. Jurisdict. of Courts 79. Hobart. 220. Vel. Magna Chart. Exl. Spenc. 51. Vide the Proclamations of K. Charles I.

IT being the undoubted Right of the Subjects of England, and warranted by the Law of the Land, and the general Practice of all former Times, in an humble manner to apply themselves to His Majesty, in the Absence of Parliaments, by Petition; for the Redress of their Grievances, and for the obtaining such things as they apprehend necessary or beneficial, to the safety and well being of the Nation. And it being their Duty to which they are bound, by the express words of the Oath of Allegiance, \* to represent to Him any danger which they apprehend Threatning His Royal Person or His Government; divers Persons in and about the City of Westminster, considering the too apparent and unspeakable Danger His Majesty and His Kingdoms are in, from the Hellish Plots and Villainous Conspiracies of the Bloody Papists and their Adherents, and conceiving no sufficient (or at least so fit) Remedy could be provided against it, but by the Parliament, by whom alone several Persons accused of these accursed Designs, can be brought to Tryal, did prepare and sign a Petition; humbly representing to His Majesty, the imminent danger His Royal Person, the Protestant Religion, and the Government of this Nation were in; from that most damnable and hellish Popish Plot, bran-

\* I do Swear from my Heart, That I will bear Faith and true Allegiance to His Majesty, His Heirs, and Successors, and Him and Them will Defend to the uttermost of my power against all Conspiracies and Attempts whatsoever, which shall be made against His or Their Persons, Their Crown and Dignity. And will do my best endeavour to disclose and make known unto His Majesty, His Heirs and Successors, all Treasons and Trayterous Conspiracies, which I shall know or hear of, to be against him or any of them.

ched forth into several the most Horrid Villainies: For which several of the principal Conspirators stand impeached by Parliament, and thereby humbly praying that the Parliament might Sit upon the 26th of January, to try the Offenders, and to Redress the important Grievances, no otherways to be redressed; of which Thomas Whitfield, John Smallbones, and William Laud, Inhabitants in Westminster, taking notice, upon the 20th day of December last, they sent to Mr. William Horsley, who had signed and promoted the Petition, and in whose custody it was, to bring or send it to them, for that they desired to sign it: And thereupon Mr. Horsley attended them, and producing the Petition, in which many Persons had joyned, he delivered it at their request to be by them read and signed; but Mr. Whitfield immediately tore it in pieces, and threw it

it towards the Fire; and *Smallbones* catching it up, said, That he would not take 10 s. for the Names, and then they declared that they sent for it for that very purpose, and owned themselves all concerned in the design.

Upon Mr. *Horsley's* complaint hereof to a Justice of the Peace, a Warrant was granted against them, and they being taken thereupon, after examination of the matter, were bound to appear and answer it at the next quarter Sessions of the Peace for the City of *Westminster*; and upon Friday the 9th. of *January* instant the Sessions being holden, and there being present several Justices of the Peace that are eminent Lawyers, the matter was brought before them, and the Grand Jury indicted the said *Whitfield*, *Smallbones*, and *Laud* as followeth, (*viz.*)

The City, Borough, and Town of Westminster in the County of Middlesex.

"THE Jurors for our Sovereign Lord the King upon their Oath do present, that whereas  
 "the Subjects and Liege People of the Kings and Queens of this Realm of England, by  
 "the Laws and Customs of the Realm, have used and been accustomed to represent their  
 "Publick Grievances by Petition, or by any other submissive way; And that the 20th. day  
 "of December in the one and Thirtieth Year of the Reign of our Sovereign Lord  
 "Charles the Second, by the Grace of God, of England, Scotland, France and Ire-  
 "land King, Defender of the Faith, &c. at the Parish of St. Martin's in the Fields,  
 "within the Liberty of the Dean and Chapter of the Collegiate Church of St.  
 "Peter, of the City, Borough and Town of Westminster in the County of Middle-  
 "sex; a Petition written in paper, was prepared and Subscribed with the hands of  
 "divers the said King's Subjects and Liege People, (to the Jury unknown) and to  
 "our said Sovereign Lord King Charles the Second Directed, and to our said Sove-  
 "raign Lord the King to be Presented and Delivered; by which Petition it was  
 "shown, that whereas there had been and was a most damnable Plot against the Royal Per-  
 "son of our said Sovereign Lord the King, the Protestant Religion, and well Established  
 "Government of this Realm; for which Plot several of the Principal Conspirators were  
 "impeached by Parliament, and whereby it was humbly prayed that the Parliament which  
 "was prorogued to the 26th. day of January next ensuing in the said Year, might then  
 "sit to Try the Offenders, and to redress the pressing Grievances not otherwise to be Redressed.  
 "And that Thomas Whitfield, late of the said Parish of St. Martin's in the Fields, in  
 "the Liberty aforesaid, and the County aforesaid, Yeoman, John Smallbones late  
 "of the said Parish, within the Liberty aforesaid, in the County aforesaid, Wood-  
 "monger, and William Laud late of the Parish aforesaid, in the County afore-  
 "said, Yeoman; being persons ill-affected, and Contriving, Devising and Intending as  
 "much as in them lay, to hinder the sitting of the said Parliament, as was prayed by the  
 "said Petition, and also to hinder the Trial of the said Offenders, and Redressing the said  
 "Grievances, the said 20th day of December in the said one and Thirtieth Year of the  
 "Reign of our said Sovereign Lord the King, as Rioters and Disturbers of the  
 "Peace of our Sovereign Lord the King, for the Disturbing of the Peace of our  
 "said Sovereign Lord the King, with Force and Arms at the said Parish within the  
 "Liberty aforesaid, in the County aforesaid, Unlawfully and Riotously did Assem-  
 "ble themselves; and being so then and there assembled, with Force and Arms then  
 "and there Unlawfully, Riotously and Injuriously, the said Petition being delivered by one  
 "William Horsley to them, the said Thomas Whitfield, John Smallbones and William Laud  
 "at their Request, and for the subscribing their Names thereunto if they should think  
 "fit, did Tear in pieces, in contempt of our said Sovereign Lord the King, and of his Laws,  
 "to the evil Example of all others in the like Cases offending, and against the Peace  
 "of our said Sovereign Lord the King his Crown and Dignity.



The Names of the *Grand-Jury* that found the Bill, are these,

*William Jacob,*  
*Thomas Trevor,*  
*Erasmus Browne,*  
*Henry Dugley,*  
*Richard Streete,*  
*John Henly,*  
*John Weston,*  
*Martin Frogg,*  
*John Pierce,*  
*Robert Pinke,*  
*Nathanael Wilkinson,*

*Edward Whitefoot,*  
*John Gentle,*  
*Thomas Harris,*  
*William Fortune,*  
*Roger Higdon,*  
*James Harrold,*  
*Cornelius Rickfield,*  
} *George Wright, Apothecary,*  
} *Walter Wright,*  
} *Adam Langley.*

Upon Wednesday the 7th of this instant *January*, many Gentlemen and eminent Citizens, who had been concerned for managing the Petition for the Sitting of the Parliament, upon the 26th. instant, met together and agreed upon the method of finishing the same, and of nominating fit Persons for the Presenting it to His Majesty, which being accordingly done; these Gentlemen following, (*viz.*)

Sir Gilbert Gerrard, Baronet, Son-in-Law to the late Bishop of *Durham*,

*Francis Charlton, Esq;*  
*John Ellis, Esq;*  
*John Smith, Esq;*  
*Johnson of Stepney, Esq;*

*Ellis Crispe, Esq;*  
*Anthony Selby, Esq;*  
*Henry Ashurst, Esq;*  
*Tho. Smith, Esq;*

Gentlemen of good Worth and Estates, and several of whom have been eminent Sufferers for His Majesty, did this 13th. of *January*, attend His Majesty with it at *Whitehall*, when being introduced to His Royal Presence, Sir Gilbert Gerrard kneeling, presented this Petition;

*To the King's most Excellent Majesty,*

*The humble Petition of Your Majesty's most Dutiful and Loyal Subjects, Inhabitants in and about the City of London, whose Names are here-under subscribed,*

*Sheweth,*

“**T**hat whereas there has been, and still is, a most Damnable and Hellish *Popish Plot*, branched forth into the most Horrid Villanies against Your Majesty's most Sacred Person, the *Protestant* Religion, and the well Established Government of this Your Realm, for which several of the principal Conspirators stand now impeached by Parliament.

“Therefore in such a time when Your Majesty's Royal person; as also the *Protestant* Religion and the Government of this Nation are thus in most imminent Danger,

We Your Majesty's most Dutiful and Obeient Subjects, in the deepest sense of our Duty, and Allegiance to Your Majesty, Do most humbly and earnestly pray, That the Parliament, which is prorogued until the 26th. day of *January*, may then sit, to Try the Offenders, and to redress all our most important Grievances, no otherwise to be redressed,

And Your Petitioners shall ever pray for Your Majesty's long and prosperous Reign.

And

And expressed himself to this effect, Sir I have a Petition from many thousands of your Majesty's Dutiful and Loyal Subjects, in and about Your City of London, which I humbly present in their Names, and desire Your Majesty would be pleased to read it.

To which His Majesty gave this Gracious answer, I know the substance of it already, I am Head of the Government, and will take care of it, and then received the Petition, it being a great Roll of above 100 Yards in length, and carried it away in His Hand.

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*The Judgment and Decree of the University of Oxford, pass'd in their Convocation, July 21. 1683. against certain Pernicious Books and Damnable Doctrines, destructive to the Sacred Persons of Princes, their State and Government, and of all Human Society.*

Published by Command.

**A**Ltho' the barbarous Affassination lately enterprized against the person of his Sacred Majesty and his Royal Brother, engage all our thoughts to reflect with utmost detestation and abhorrence of that execrable Villainy, hateful to God and Man; and pay our due acknowledgements to the Divine Providence which by extraordinary methods brought it to pass, that the *breath of our Nostrils, the anointed of the Lord*, is not taken in the pit which was prepared for him: and that under his shadow we continue to live, and enjoy the Blessings of his Government: Yet, notwithstanding we find it to be a necessary duty at this time to search into and lay open those impious Doctrines, which having of late been studiously disseminated, gave rise and growth to those nefarious attempts: and pass upon them our solemn publick Censure and Decree of Condemnation.

Therefore to the honour of the holy and undivided Trinity, the preservation of Catholick truth in the Church: and that the King's Majesty may be secur'd from the attempts of open and bloody enemies, and the machinations of Traiterous Heretics and Schismatics: We the Vice-Chancellor, Doctors, Proctors, and Masters Regent and not Regent, met in Convocation in the accustom'd manner, time and place, on Saturday the 21 of July in the Year 1683. concerning certain Propositions contained in divers Books and Writings published in English, and also in the Latin tongue, repugnant to the holy Scriptures, Decrees of Councils, Writings of the Fathers, the Faith and Profession of the Primitive Church: and also destructive of the Kingly Government, the safety of his Majesty's Person, the Publick Peace, the Laws of Nature, and bonds of humane Society: By our Unanimous assent and consent have Decreed and Determin'd in manner and form following:

*Proposition 1.* All Civil Authority is derived originally from the People.

2. There is a mutual compact, tacit or express, between a Prince and his Subjects; and that if he perform not his duty, they are discharg'd from theirs.

3. That if lawful Governors become Tyrants, or govern otherwise than by the Laws of God and Man they ought to do, they forfeit the Right they had unto their Government.

*Lex Rex. Buchanan de Jure Regni. Vindiciæ contra tyrannos. Bellarmine de Conciliis, de Pontifice. Milton. Goodwin. Baxter, H. C.*

4. The Sovereignty of *England* is in the three Estates, viz. King, Lords, and Commons. The King has but a co-ordinate Power, and may be over-ruled by the other two.

*Lex Rex. Hunton of a limited and mix'd Monarchy. Baxter H. C. Polit. Catech.*

5. Birthright and proximity of Blood give no title to Rule or Government, and it is Lawful to preclude the next Heir from his Right of Succession to the Crown.

*Lex Rex. Hunt's Postscript. Doleman. History of Succession. Julian the Apostate. Mene Tekel.*

6. It is Lawful for Subjects, without the Consent, and against the Command of the Supreme Magistrate, to enter into Leagues, Covenants, and Associations, for defence of themselves and their Religion.

*Solemn League and Covenant. Late Association.*

7. Self-preservation is the Fundamental Law of Nature, and supercedes the Obligation of all others, whenever they stand in competition with it.

*Hobbs de Cive. Leviathan.*

8. The Doctrine of the Gospel concerning patient suffering of Injuries, is not inconsistent with violent resisting of the higher Powers in case of Persecution for Religion.

*Lex Rex. Julian Apostat. Apolog. Relat.*

9. There lies no Obligation upon Christians to *Passive Obedience*, when the Prince Commands any thing against the Laws of our Country: And the Primitive Christians chose rather to die than resist, because Christianity was not yet settled by the Laws of the Empire.

*Julian Apostate.*

10. Possession and strength give a right to Govern, and Success in a Cause or Enterprize proclaims it to be Lawful and Just; to pursue it is to comply with the Will of God, because it is to follow the Conduct of his Providence.

*Hobbs. Owen's Sermon before the Regicides, Jan. 31. 1648. Baxter, Jenkin's Petition, Octob. 1651.*

11. In the state of Nature there is no difference between good and evil, right and wrong; the state of Nature is a state of War, in which every Man hath a right to all things.

12. The Foundation of Civil Authority is this natural right, which is not given, but left to the Supreme Magistrate upon Men's entering into Societies, and not only a Foreign Invader, but a Domestick Rebel, puts himself again into a state of nature, to be proceeded against, not as a Subject but an Enemy: And consequently acquires by his Rebellion the same right over the Life of his Prince, as the Prince for the most heinous Crimes has over the Life of his own Subjects.

13. Every Man, after his entering into a Society, retains a right of defending himself against Force, and cannot transfer that right to the Common-wealth, when he consents to that Union whereby a Common-wealth is made; and in case a great many Men together have already resisted the Common-wealth, for which every one of them expecteth Death, they have liberty then to joyn together to assist and defend one another. Their bearing of Arms subsequent to the first breach of their Duty, though it be to maintain what they have done, is no new unjust act; and if it be only to defend their Persons, is not unjust at all.

14. An Oath superadds no obligation to pact, and a pact obliges no further than it is credited: And, consequently, if a Prince gives any Indication that he does not believe the Promises of Fealty and Allegiance, made by any of his Subjects, they are



are thereby freed from their subjection ; and, notwithstanding their Pacts and Oaths, may lawfully rebel against, and destroy their Sovereign.

*Hobbs de Cive. Leviathan.*

15. If a People that by Oath and Duty are oblig'd to a Sovereign shall sinfully dispossess him, and, contrary to their Covenants, chuse and covenant with another ; they may be obliged by their latter Covenant, notwithstanding their former.

*Baxter H. C.*

16. All Oaths are unlawful, and contrary to the Word of God.

*Quakers.*

17. An Oath obliges not in the sense of the Imposer, but the Takers.

*Sheriff's Case.*

18. Dominion is founded in Grace.

19. The Powers of this World are Usurpations upon the Prerogative of Jesus Christ, and it is the Duty of God's People to destroy them, in order to the setting Christ upon his Throne.

*Fifth-Monarchy Men.*

20. The Presbyterian Government is the Scepter of Christ's Kingdom, to which Kings as well as others are bound to submit ; and the King's Supremacy in Ecclesiastical Affairs asserted by the Church of *England* is injurious to Christ, the sole King and Head of his Church.

*Altare Damascenum. Apolog. relat. Hist. Indulgen. Cartwright. Travers.*

21. It is not lawful for Superiors, to impose any thing in the Worship of God that is not antecedently necessary.

22. The duty of not offending a weak Brother is inconsistent with all human Authority of making Laws concerning indifferent things.

*Protestant Reconciler.*

23. Wicked Kings and Tyrants ought to be put to Death, and if the Judges and inferior Magistrates will not do their office, the Power of the Sword devolves to the People ; if the major part of the People refuse to exercise this Power, then the Ministers may Excommunicate such a King, after which it is lawful for any of the Subjects to kill him, as the People did *Athaliah*, and *Jehu Jezabel*.

*Buchanan. Knox. Goodman. Gilby. Jesuits.*

24. After the sealing of the Scripture-Canon, the People of God in all ages are to expect new Revelations for a rule of their Actions, \* and it is lawful for a private Man, having an inward motion from God, to kill a Tyrant †.

\* *Quakers and other Enthusiasts.* † *Goodman.*

25. The example of *Phineas* is to us instead of a Command ; for what God has commanded or approved in one Age, must needs oblige in all.

*Goodman. Knox. Naphtali.*

26. King *Charles* the First was lawfully put to Death, and his Murtherers were the blessed Instruments of God's Glory in their Generation.

*Milton. Goodwin. Owen.*

27. King *Charles* the First made War upon his Parliament ; and in such a case the King may not only be resisted, but he ceaseth to be King.

*Baxter.*

We decree, judge and declare all and every of these Propositions to be False, Seditious and Impious; and most of them to be also Heretical and Blasphemous, infamous to Christian Religion, and destructive of all Government in Church and State.

We farther decree that the Books which contain the foresaid Propositions and impious Doctrines, are fitted to deprave good Manners; corrupt the Minds of unwary Men, stir up Seditions and Tumults, overthrow States and Kingdoms, and lead to Rebellion, murder of Princes, and Atheism it self: And therefore we interdict all Members of the University from the reading the said Books, under the Penalties in the Statutes exprest.

We also order the before-recited Books to be publicly burnt, by the hand of our Marshal in the Court of our Schools.

Likewise we order that in perpetual memory hereof, these our Decrees shall be entered into the RegISTRY of our Convocation, and that Copies of them being communicated to the severall Colleges and Halls within this University, they be there publicly affixt in the Libraries, Refectories, or other fit Places, where they may be seen and read of all.

Lastly, We command and strictly enjoyn all and singular Readers, Tutors, Catechists and others, to whom the care and trust of Institution of Youth is committed, that they diligently instruct and ground their Scholars in that most necessary Doctrine, which in a manner is the Badge and Character of the Church of *England*, of submitting to every Ordinance of Man for the Lord's sake, whether it be to the King as Supreme, or unto Governors as unto them that are sent by him, for the Punishment of evil doers, and for the Praise of them that do well: Teaching that this Submission and Obedience is to be clear, absolute and without exception of any state or order of Men: Also that all Supplications, Prayers, Intercessions and giving of Thanks be made for all Men, for the King and all that are in Authority, that we may lead a quiet and peaceable life in all Godliness and Honesty; for this is good and acceptable in the sight of God our Saviour. And in especial manner that they press and oblige them humbly to offer their most ardent and daily Prayers at the Throne of Grace for the preservation of our Sovereign Lord King *Charles*, from the attempts of open Violence, and secret Machinations of perfidious Traitors: That he the Defender of the Faith, being safe under the defence of the most High, may continue his Reign on Earth, till he exchange it for that of a late and happy Immortality.

*The Case of the Earl of Argyle: Or, an exact and full Account of his Trial, Escape, and Sentence. As likewise a Relation of several Matters of Fact, for better clearing of the said Case.*

Edinburgh, 30. May, 1682.

S I R,

**T**H E Case of the late Earl of *Argyle*, which, even before the Process led against him, you was earnest to know, was at first, I thought, so plain, that I needed not, and grew afterwards so exceedingly mysterious, that I could not, for some time, give you so perfect an account of it, as I wished: But this time being still

so less proper, the exactness of my Narrative will, I hope, excuse all delays.

The design against him being now so clear, and the grounds founded on so slender, that to satisfy all unbiass'd Persons of his Integrity, there needs no more, but barely to represent matter of Fact; I should think shame to spend so many words, either on arguments, or relation, were it not left to strangers some mystery might still be suspected to remain concealed: And therefore to make plain what they can hardly believe, though we clearly see it.

At His Royal Highness arrival in *Scotland*, the Earl was one of the first to wait upon him, and until the meeting of our last Parliament, the World believed, the Earl was as much in his Highness favour, as any intrusted in His Majesties affairs, in this Kingdom.

When it was resolved, and His Majesty moved to call the Parliament, the Earl was in the Country, and at the opening of it, he appeared as forward as any in His Majesties, and his Highness service, but it had not sat many days when a change was noticed in his Highness, and the Earl observed to decline in his Highness favour.

In the beginning of the Parliament, the Earl was appointed one of the *Lords of the Articles*, to prepare matters for the Parliament, and named by his Highness to be one of a Committee of the Articles for Religion, which, by the custom of all *Scots* Parliaments, and His Majesties instructions to his Commissioner, at this time, was the first thing treated of: In this Committee there was an Act prepared for securing the Protestant Religion; which Act did ratifie the Act approving the *Confession of Faith*, and also the Act containing the *Coronation Oath*, appointed by several standing Acts of Parliament, to be taken by all our Kings, and Regents, before their entry to the exercise of the Government.

This Act was drawn somewhat less binding upon the Successor, as to his own profession, but full as strictly tying him to maintain the Protestant Religion, in the publick profession thereof, and to put the Law's concerning it in execution, and also appointing a further Test, beside the former, to exclude Papists from places of publick trust; and because the fines of such as should act, without taking the *Test*, appeared no better then discharged, if falling in the hands of a Popish Successor, and some accounting any limitation worse than an exclusion, and all being content to put no limitation on the Crown, so it might consist with the safety, and security of the Protestant Religion, it was ordained, that all such fines, and forfeitures should appertain the one half to the informers, and the other half should be bestowed on pious uses, according to certain Rules expressed in the Act.

But this Act, being no wise pleasing to some, it was laid aside, and the Committee discharged any more to meet, and instead of this Act, there was brought in to the Parliament, at the same time, with the *Act of Succession*, a short Act, ratifying all former Acts made for the security of the Protestant Religion, which is the first of the printed Acts of this Parliament.

At the passing of this Act, the Earl proposed that these words, *And all Acts against Treason*, might be added, which was opposed by the Advocate, and some of the Clergy, as unnecessary, but the motion being seconded by Sir *George Lockhart*, and the then President of the Session, now turned out, it was yielded to, and added without a Vote, and this Act being still not thought sufficient, and several Members desiring other additions, and other Acts, a promise was made by his Royal Highness, in open Parliament, that time, and opportunity should be given, to bring in any other Act, which should be thought necessary for further securing the Protestant Religion: But though several petitions, both before and after passing the Act for the *Test* (here subjoyned) did give in memorials, and overtures, yet they were never suffered to be read, either in *Articles*, or Parliament, but in place of all, this Act for the *Test* was still obtruded, and nothing



of that nature suffered to be heard, after once that Act past, though even at passing it the promise was renewed.

As for the *Test*, it was first brought into the Parliament without mentioning the *Confession of Faith*, and, after several hours debate, for adding the *Confession of Faith*, and many other additions, and alterations, it was past at the first presenting, albeit it was earnestly press'd, by near half the Parliament, that it might be delayed till next morning, the draught being so much changed and interlined, that many, even of the most engaged in the Debate, did not sufficiently understand it, and though they took notes, knew not precisely how it stood. And this was indeed the Earls case in particular, and the cause why, in Voting, he did forbear either to approve, or disapprove.

His part in the debate was, that, in the entry of it, he said, that he thought, as few Oaths should be required as could be, and these as short and clear as possible: That it was his humble opinion, that a very small alteration in these Acts, which had been used these twenty years, might serve, for it was manifest, and he attested the whole Parliament upon it, *That the Oath of Allegiance, and Declaration*, had effectually debarr'd all Fanaticks from getting into places of trust, all that time: It was true some Papists had swallowed the Oath of Allegiance, and therefore a word or two only of addition, to guard against them, was all he judged necessary.

And there after, where in the close of the Act, *The Kings Sons, and Brothers*, were intended to be dispensed with from taking the *Test*, he oppos'd the exception, and said, it was our happiness that King and People were of one Religion, and that they were so by Law: That he hoped the Parliament would do nothing to loose what was fast, nor open a gap for the Royal Family to differ in Religion, their example was of great consequence, one of them was as a thousand, and would draw the more followers, if once it appeared to the people that it were honourable, and a priviledge to be of another Religion: And therefore he wish'd, if any exception were, it might be particular for his Royal Highness; but his Highness himself opposing this, the Earl concluded with his fear, that if this exception did pass, it would do more hurt to the Protestant Religion than all the rest of that Act, and many other Acts could do good.

Whilst these Acts, about Religion, were in agitation, his Highness told the Earl one day in private, to beware of himself, for the Earl of *Errol*, and others, were to give in a Bill to the Parliament, to get him made liable to some debts they pretended to be Cautioners in for his Father, and that those that were most forward in His Majesties service must be had a care of: The Earl said, he knew there was no ground for any such Bill, and he hoped neither the Earl of *Errol*, nor any other, should have any advantage of him, upon any head relating to His Majesties service. His Highness told others likewise, he had given the Earl good advice.

But shortly after the above-mentioned debates, there were two Bills given into the meeting of the *Articles*, against the Earl, one by the Earl of *Errol*, the other by His Majesties Advocate, who alledged he did it by command, for otherwise he acknowledged it was without his line. The Earl of *Errol's* claim was, that the Earl of *Argyle* might be declared liable to relieve him, and others, of a debt, wherein, they alledged, they stood bound as Cautioners, for the late Marquess of *Argyle*, the Earl's Father. To which the Earl answered, that he had not got his Fathers whole Estate, but only a part of it, and that expressly burdened with all the debts he was liable to pay; whereof this pretended debt was none, and that the Marquess of *Huntly*, who at that time was owing to the Marquess of *Argyle* 35000 l. Sterl. had got 4000 l. Sterl. of yearly Rent, out of the Marquess of *Argyle's* forfaulture, without the burden of any debt; so that both by Law, and Equity, the Earl could not be liable, the Marquess of *Huntly*, and not he, having got that which should bear *this relief*, and which should indeed have pay'd the far greatest part of the Marquess of *Argyle's* debt, the same having been undertaken for *Huntly* by *Argyle*, either as Cautioner for *Huntly*, or to raise money to pay his debt: Besides that the Earl of *Errol* can never make it appear, that he, or his Predecessors, were bound, for the Marquess of *Argyle* in the third part of the sums he acclaims; yet some were much inclined to believe *Errol* on his bare assertion.

His Majesties Advocates claim was, to take from the Earl his heritable Offices of *Sheriff*, &c. especially that of *Justice-General of Argyle-Shire*, the Isles, and other places, which last is nevertheless only a part of the general Jutitiary of all Scotland, granted to his Predecessors, some hundred of years ago, for honourable, and onerous causes, and constantly enjoyed by them until expressly surrendered, in his late Majesties hands, for a new Grant of the above-mentioned *Jutitiary of Argyle*, &c. And this new Grant was also confirmed by many Acts of Parliament, and particularly by His Majesties Royal Father, of Blessed Memory, in the Parliament holden by him Anno 1633. As likewise by His Majesty that now is (whom

God long preserve) his new Gift and Charter, after several Debates before him in Anno 1663. and 1672. Which new Gifts and Charters were again ratified by a special instruction from His Majesty in the Parliament 1672. So that albeit several late Gifts of Regality granted to the Marquess of Arbol, Marquess of Queensberry, and others, may be questioned, because granted since the Acts of Parliament discharging all such Gifts in time coming, yet the Earl of Argyle's rights are good, as being both of a far different nature, and granted long before the said Acts of Parliament, and in effect the Earl his rights are rather confirmed by these prohibitive Acts, because both anterior to, and excepted from them, as appears by the Act *Salvo Jure* 1633. Wherein the Earls rights are particularly and fully excepted in the body of the printed Act.

When these things appeared so plain as not to be answered, It was alledged that upon the forfeiture of the late Marquess of Argyle, his Estate was annexed to the Crown, and so could not be gifted to the Earl by His Majesty, (wherein they soon discovered a design to forfeit him, if any pretence could be found) But the Act of Forfeiture being read, and containing no such thing, but on the contrary a clear power left to His Majesty to dispose of the whole, and the Earl telling them plainly, that these that were most active to have his Father forfeited, were very far from desiring his Estate to be annexed to the Crown, seeing it was in expectation of Gifts out of it they were so diligent, that pretence of the annexation was past from, but yet the design was no wise given over, for there was a proposition made, and a Vote carried in the Articles, that a Committee should be appointed, with Parliamentary power, to meet in the intervals of Parliament, to determine all controversies could be moved against any of the Earls rights; Which was a very extraordinary device, and plainly carried by extraordinary influences.

Upon this the Earl applied to the Parliament, where this Vote was to be brought, and having informed the Members of his right, and the consequences of such a new Judicature, he had good hope to get the Vote reversed, when his Royal Highness on second thoughts judged it fit to put a stop to it, and excused himself, Saying, It was his not being acquainted, and but lately in affairs, had made him go along with it, for he found it did plainly impugn His Majesties prerogative, and might be of ill consequence, and indeed it is plain enough. It would have exposed the Marquess of Huntly's gift, which proceeded on the same forfeiture, as well as the Earl of Argyle's, to the same, and far greater hazard, as some came to be sensible, when they heard all. You see here at what rate the Earl was pursued, and on what grounds, before his taking of the Test came in hand.

After the Parliament was adjourned, there was a new design to apply to His Majesty for a Commission, of the same nature, for reviewing all the Earls rights, and to deprive him of his heritable Offices, and, if possible, to burden him with more Debts than his Estate was worth.

Upon which, the Earl waited on his Highness, and informed him more particularly, offering to make it appear, by unquestionable rights and evidences, that his Estate was not subject to any such review, as was intended, and that it might breed the Earl great trouble, but could have no effect in Law. To which his Highness Answered, That a review could do no hurt; The Earl said, If a Commission for a review were granted, something must be intended, and something must be done, and it was very like that some of these put into such a Commission would be his Enemies, at least small Friends, and therefore intreated that if any intended to quarrel his rights, they and he and all their debates might be remitted to the Ordinary Judicatories: And indeed he had reason, to desire, it might be so, the Ordinary Judicatories being established by the ancient Laws of the Kingdom, not in order or with respect to particular Causes, and Persons, but for the general, equal and impartial administration of Justice to all. Whereas the granting particular Commissions, for Trying and Judging such and such Cases, and Persons, cannot but expose to the just contrary inconveniences, there being certainly a vast difference betwixt a Mans finding a Judge indifferently constitute, and his having one expressly and particularly appointed, for his single affair, who might possibly think himself Commissionate, rather to serve a turn, in an arbitrary way, then to administer fair Justice: But all this prevailed not, Only his Highness said, The Commission should not be expedite until the Earl knew the Names of the Persons insert in it: Whereunto the Earl Answered, That there might be many Persons, against whom he could make no legal exception, whom yet he might have very good reason to decline to be his particular Judges, and to have his rights taken from the ordinary Judges, and committed to their examination, and all he might possibly gain by excepting would be to irritate; Adding that as to his heritable Offices, he had undoubtedly right to them, and they were rather honourable, then of advantage, that his family had them for faithful services to the Crown; and because they had served more faithfully then their Neighbours, and been more useful then others, in keeping the

Country in peace, from Thieves and Robbers, therefore all the *broken Men* and their *Pe- trons*, were Enemies to him, and his Family, and desirous to have these Offices out of his hand, but he resolved to do as he had always done, to put himself in *His Majesty's will*, and if His Majesty were resolved to have back all heritable Offices, and should think fit after hearing him to have back his, His Majesty should have them, either freely or for a just value: For though, they rendered the Earl no free yearly Rent, as the Earl used them, yet he might be a sufferer in the want of them, if the Country were left open to Thieves and Robbers, which he hoped His Majesty would repair. His rights (as he had said in Parliament) were unquestionable, and often times confirmed; Yet he was willing to surrender them all on his knee to His Majesty, but was not willing to have them torn from him with an affront by any other.

Upon this his Highness was pleased, to allow the Earl a time, to go to the Country, to bring his Papers, and he was put in hopes no *Commission* should pass till his return, which was indeed observed.

In the mean time, the Earl did writ to the *Earl of Murray*, His Majesty's Secretary, that he might have leave, to wait upon His Majesty, which His Majesty did graciously and readily grant; The Earl purposing, at his return to *Edinburgh*, to beg the same favour of his Highness: But he found this motion more fatal to him then he could have at first expected to innocent a design could prove: For it was at first told him, he could not have access to kiss His Majesty's hand without taking the *Test*; then it dropt out, that it was ill taken, His Majesty was at all addressed to, for leave to kiss his hand: And at length it became plain, that taking the *Test* would not clear the way.

As the Earl was on his return to *Edinburgh*, to wait upon his Highness, and come the length of *Glasgow*, he got the news, that the late President of the Session, and He, were both turned out of it, and at his arrival at *Edinburgh*, several meetings of Council were appointed only to occasion his taking of the *Test*: But the Earl having gone some miles out of Town, was not present. At last a meeting of the Council was appointed expressly, and one of the Clerks ordered to warn the Earl particularly to be present; whereof the Earl being advertised before the Clerk came to him, he waited on his Highness, and had the honour of an opportunity after Supper, to speak to his Royal Highness, in his Bed-chamber: The Earl told his Highness, he was now returned, to make good his word, and to shew those *Wrists and Rights* he had promised: But Sir (*said the Earl*) I have heard by the way of alterations, and that I am turn'd out of the Session: His Highness said, it was so: The Earl asked what next? His Highness said, he knew no more. The Earl said, he had never sought that, nor any place, and he knew that place was at His Majesty's dispose, and it might soon be better filled: But *said the Earl*, if it be to express a frown, it is the first I have had from His Majesty this Thirty years; I know I have Enemies, but they shall never make me alter my Duty, and Resolution to serve His Majesty; I have served His Majesty in Arms, and in his Judicatures, when I knew I had Enemies on my right hand, and on my left, and I will do so still. But if any have power, to render His Majesty or your Highness jealous of me, it will make my Service the more useless to both, and the less comfortable to my self: His Highness said, he knew no more then what he had said; the Earl then said, it was late, and he would wait on his Highness some other time, about these matters: But the thing that at present presses (*says the Earl*) is, That I hear one of the Clerks of Council is appointed to tell me to be at the Council, to morrow, I conceive, to take the *Test*; Pray, what is the haste? may not I, with Your Highnesses favour, have the time allowed by the Act of Parliament? His Highness said, No. The Earl urged it again, but in vain: And all the delay, he could obtain, was till *Thursday* the Third of *November*, the next Council day in course. The Earl said he was the less fond of the *Test*, that he found, that some that refused it were still in favour, and others that had taken it turned out, as the *Register*, at which His Highness only laugh'd: But Sir, [*said the Earl*], how comes Your Highness to press the *Test* so hastily? Sure there are some things in it Your Highness doth not ever much like: Then *said His Highness*, angrily, and in a passion: most true, that *Test* was brought into the Parliament, without the Confession of Faith: But the late President caused put in the Confession, which makes it such as no honest Man can take it: The Earl said he had the more reason to advise: Whereby you may see, whether his Highness then thought, the Confession was to be Sworn to in the *Test*, or not.

After this the Earl waited several times on his Highness, and made new attempts for the favour of a delay, but with no success: What passed in private, shall not be repeated except so far as is absolutely necessary to evince the Earl his innocency, and to shew that in what he did he had no ill design, nor did, in the least prevaricate, or give any offence willingly, but was ready to comply, as far as he could, with a good conscience: It was in this interval, that the Earl spoke with the Bishop of *Edinburgh*, and saw his



*Vindication* of the *Test*, and all the *Explanations* I here send you, only the Councils explanation was not yet thought on : And that all the Bishop did then urge the Earl with, beyond what is in his *Vindication*, was to have a care of a noble Family, and to tell him, that the opposing the exception of the Kings Sons, and Brothers, from taking the *Test*, had fired the kiln.

At the last upon *Wednesday*, the second of *November*, late, the Earl waited on his Highness, and did in the most humble, and easie expressions he could devise, decline the present taking of the *Test* ; but if his Highness would needs have a present answer, he beg'd his favour, that he would accept of his refusing it in private, which was denied again : Then, he said, if his Highness would allow him time, to go home and consider, he would either give satisfaction, or the time prescribed by the Act of Parliament would elapse, and to he would go off in course, and without noise. But this also his Highness absolutely refused : Upon which the Earl asked, what good his appearing in Council, to refuse there, would do ? His Highness was pleased to answer, that he needed not appear, but to employ some friend to speak for him ; and his Highness himself named one. This the Earl yielded to, as the best of a bad choice, and said, he should either use the person named by his Highness, or some other Relation that were a Councillor, and in Town : And, in compliance with his Highness pleasure, the next morning, the Earl drew a Letter, for a Warrant to the same Person his Highness had named, for declaring his mind in Council ; wherein he express'd his constant resolution to continue a true Protestant, and Loyal Subject, which were the true ends of the *Test* : But the Letter concluding on a delay of taking the Oath, and his Highness having given some indication, how little pleasing that office was to him, neither that friend, nor any other would, by any means, accept of it.

Upon this the Earl drew a second, and shorter Letter, to any that should that day preside in Council ; but after much discourse, it being suggested, that an explanation would be allowed, and the shorter the better, the Earl first drew one, suitable to his own thoughts ; and it being thought too long, did instantly shorten it, and put it into his Pocket, but withal said he would not offer it, till he knew his Highness pleasure, lest his Highness might take it ill that any had prevailed more with him, then himself ; and therefore the Earl did refuse to go to the Council, or out of his Chamber, till he had his approbation. A little after a Coach was sent for the Earl, and it was told him, in the Room without the Council-Chamber, that the Bishop of *Edinburgh* had spoke to his Highness, and signified to him, that the Earl was willing to take the *Test*, with an *Explanation*, and that the Bishop said, it would be very kindly accepted. These were the express words, and then (and not till then) the Earl went into the Council, and delivered (that is pronounced) his *Explanation* close by his Highness, and directly towards him ; so loud, and audible, that some in the furthest corner of the Room acknowledged they heard it : Whereupon the Oath was administered, and the Earl took it ; and his Highness with a well satisfied Countenance, and the honour of a smile, Commanded him to take his place : And while he sat by his Highness (which was his honour to do that day) his Highness spake several times privately to him, and always very pleasantly.

And the Earl hath since protested to his friends, that he thinks his Highness was, at the time, well pleased, though some others, that wisht the Earl out of the Council, appeared surprized, and in some confusion.

The first thing came to be treated of in Council, after the Earl had taken his Seat, was the Councils *Explanation*, at that time intended, and resolved to be allowed to the Clergy only, and no other, and withal not to be printed : To which the Earl refused to Vote, which was afterwards made a ground of Challenge. A little after, it being the Post Night, the Earl slept out, and went to his Lodging, and though he acknowledges, he did not decline to give some friends an account of what had past, yet he was so far from spreading Copies of his *Explanation*, at taking the Oath, that he flatly refused to give a kind, and discreet friend, then in his Chamber, a Copy of it, lest it might go abroad : And the words being few, and publicly spoke, it is not strange they might be, almost perfectly repeated, as, it's known, the Clerks pretended to do ; but the Kings Advocate having past from the accusation of *Spreading*, this is only mentioned to evidence how singly studious the Earl was to satisfy his own Conscience, and how tender of giving offence, for I can say truly for him, he was never heard to dissuade any to take the *Test*, nor to disparage it, after it past in an Act ; only he refused, to take it himself, without an *Explanation*, which to stretch to a Crime is beyond all example. I confess, he never cry'd it up as *super excellent*, or Divine, as some have done that can alter their tone, and decry it as much, when ever there shall be occasion.

The next morning the Earl waited on his Highness, expecting yesternights countenance, and indeed nothing less than what he met with ; for beginning to speak with his Highness in private, his Highness interrupted him, and said he was not pleased with his *Explanation*.

The Earl said, he did not presume to give it till his Highness allowed him: His Highness acknowledged, that the Bishop of Edinburgh had told him, that the Earl intended an Explanation: But (says his Highness) I thought it had been some short one, like Earl Queensburries: The Earl answered that his Highness heard what he said: His Highness said, he did, but he was surprized: Then the Earl said, he had said the same thing, in private, to his Highness, wherewith he, at that time, appeared satisfied: And the Earl being about to say more, in his own vindication, his Highness interrupting him said, well it is past with you, but it shall pass so with no other, which words, the Earl thought, did both confirm the Councils acceptance, and his explanation, and sufficiently clear him of all offence, if he had incurred any.

And whatever hath been his Highness resolution, or the Earls misfortune since, the Earl is perswaded that his Highness was resolved them to push the affair no further; for though some had still the same animosities, and prejudices against the Earl, yet hitherto they had not adventured to undertake to extract, and forge such Crimes, out of his words, as afterwards they did: And it was not, till private suggestions were made, that Advocates were asked (as they were) if these words could be stretched to Treason; and that (when the ablest denied) the Kings Advocate complied, and was ordered to draw the Indictment, and some Judges were engaged, and secured about it, as will appear, when ever His Majesty thinks it his Interest to take an exact trial of that whole affair.

The Earl did think (as I just now said) his Highness saying, *it was past as to him*, was enough; he was resolved to say no more for justifying himself, but seeing he is so hardly pressed, and his life, and honour at the stake, it is hoped his Highness will not disown what the Earl hath hitherto so respectfully concealed, and is now no less necessary to be spoke out for his vindication. And that is, that besides that his Highness did allow the Earl to explain, and did hear his explanation in Council, and approve it: The Earl did twice in private, once before, and once after his Oath in Council, repeat, to his Highness, the same words, that the Treason is now founded on: (*viz.*) That the Earl meant not to bind up himself, to wish, and endeavour, in a lawful way, and in his situation, any alteration, be thought to the advantage of Church and State, not repugnant to the Protestant Religion, and his Loyalty; and that his Highness was so far from charging them with Treason, that he said, plainly, both times, the Earls scruples were unnecessary; and that the Test did not bind him up as he imagined; adding further, the last time, that the Earl had cheated himself, for notwithstanding the explanation, he had taken the Test. To which the Earl only answered, that then his Highness should be satisfied. Now, after all this, that Treason should be so earnestly searched for, and so groundlessly found, in those words, is it not strange beyond all example? Could it be Treason for the Earl to say, *He will not bind up himself*, where his Highness says so oft, and so plainly, *It was not intended that he, or any man, should be bound up?*

What past the next day, after the Earl had taken the Test, and was received by the Council, is also proper for you to know. The Earl, being to take it as one of the Commissioners of the Treasury, it was commonly thought that he, and the other Commissioners, were to take it in the Exchequer; but after Ten of the Clock, about two hours after the Earl had parted from his Highness, one told him there was a design upon him, to make him swear once more before the Council: And accordingly, at Twelve, there was an extraordinary Council called in the Abbey, and there it was found, That the Commissioners of Treasury, as Officers of the Crown, were to take the Test before the Council; and it was told the Earl, that the Exchequer could not, that day, sit without him. And to make the matter more solemn, it was resolved that the Council should meet that Afternoon, and that his Highness should be present: So as soon as they were met, the Oath was tendered, and the Earl offering to take it, and saying only these words, as before, the Earl of Roxburgh, never heard to speak in Council till then, stood up behind his Highness Chair, and with Clamour, asked *what was said*: To whom his Highness was pleased to turn and inform him; upon which Roxburgh, prepared for the purpose, desired, that what the Earl of Argyle had said, the day before, might be repeated: Which the Earl, seeing a design upon him, did at first decline, till he was peremptorily put to it by his Highness, and he being Ingenuous, and thinking no course more proper to prevent mistakes of words, he said he had a Note of what he had said in his Pocket, which his Highness called for very earnestly, and Commanded him to produce; which being done, and the Paper read, so secure was the Earl of his Innocency, that he was willing, upon the first motion, to sign it: But the then new President of the Session, now Chancellor, and the new Register, could not agree, whether it was fit, or not, the Treason not yet appearing, when read in Council, as when they had talked of it in private; so the Earl was removed, and then called in, and after these two had whetted, and adjusted their Inventions, he was desired positively to sign the Paper he had given in. To which he answered, he meant well, and truly did see no ill in the Paper, why he might not, and if the words did please them then, as they did when they were first pronounced, he would do it: But, if they found the least matter of displeasure

displeasure in them, he would forbear: Whereupon being again removed, and called in, he was told, he had not given the satisfaction required by the Act of Parliament, in taking the Test: And so could not sit in the Council, and somewhat more was added, as if the matter drew deeper, but the particular words I do not know: To which the Earl said, that he judged, all the Parliament meant was to exclude Refusers of the Test from Places of trust: And if he were judged a Refuser, he submitted, but could conceive no greater danger in the matter, for he had served His Majesty faithfully within doors, and was resolved to do so without doors, and so he made his obeisance, and went out. Next morning, being Saturday, November 5. The Earl waited on his Royal Highness, and amongst other things, told his Highness, he was strangely surpris'd, that the saying *He could not bind up himself in his station and in a lawful way, &c.* as was contained in that Paper, was lookt on as a Crime, seeing he had said the same words to his Highness formerly in private, without any offence, to which His Highness gave no answer, but held his peace which made the Earl make bold, to put him to remember his own words, and to ask him, what he had said, when the Earl formerly spoke to him: Then His Highness was pleas'd to say, he had forgot what he had said: To which the Earl answered, the worse indeed for me; But Sir, here are the same words, I formerly said, without offence, what says Your Highness now? What ill is in them? Let me know and I will vindicate my self. And all his Highness at this Second time said, was, what hath been above remark'd, That they were unnecessary words, that the Earl scrupled needlessly, that he was not tyed up by that Oath, as he imagined; And after a pause added, As I have already told you, Well, you have cheated your self, you have taken the Test: To which the Earl replied, he hoped then his Highness was satisfied, (as above) his Highness then began to complain, that the Earl, the little while he sat in Council, after he had taken the Oath, had not gone along to approve the Councils explanation: The Earl said he had not heard the debate: And therefore, it was reasonable, to excuse him from Voting. His Highness returned, a little warmly, that the Earl knew the Case well enough (which indeed was not unlike, and yet not at all strange, that the Earl could not Vote, for that explanation, seeing he could not but know, the Parliament did intend the Confession should be Sworn: And that he himself had taken it in that sense, as all others had done, before that explanation pass'd in Council) but the Earl replying nothing, his Highness continued, That the Earl, and others had designed to bring trouble upon an handful of poor Catholics, that would live peaceably, however they were used, but it should light upon others.

A little after, His Highness commanded the Earl not to go out of Town, till he waited on him, which the Earl said he should obey: But notwithstanding thereof, one of the Clerks of the Council was sent to the Earl, that same night, late, to intimate to him, not to go out of Town, till the Council should sit, upon the Tuesday thereafter.

Upon Monday, the Seventh of November, the Earl waited on His Highness again, and told him, he was surpris'd to get such a message from the Council, after His Highness had laid his own Commands upon him, and asked what the Councils meaning could be: His Highness was pleas'd to say, he knew nothing, but referred all to themselves, at their meeting.

Upon Tuesday, the Eight of November, when the Council met, without ever calling the Earl, an Order was sent to him, by one of their Clerks, to enter himself Prisoner in the Castle of Edinburgh, before Twelve of the Clock the next day, with a warrant to the Deputy Governour, to keep him Prisoner, wherein the word Sure-firmance was struck out, which appeared to have been fairly writ: This Order the Earl received, and obeyed it, with great submission, entering all alone in an Hackney Coach: And when some of his Relations, and Persons of quality, offered to go along with him, he refus'd, saying, that if he were pursu'd at the instance of any other, he would accept of their civility but seeing he was pursu'd, at the instance of His Majesties Advocate, he would go, in the most humble way that he could think on, and have no body concerned but himself.

But all this did not hinder the Council, to write to his Majesty the Letter hereafter insert, giving Judgment, before Tryal, without any hearing, and seeking leave to proceed to a process, which they likewise proceeded in, before any return came, as likewise, about the very Date of this Letter, they emitted their explanation of the Test: Albeit in their Letter, they assert, That they had been very careful not to suffer any to take the Test with glosses and explanations.

The Earl, some days after his entering Prisoner into the Castle of Edinburgh, did write a Letter to his Royal Highness, telling him, that he had obeyed his Highness, and the Councils Order, in entering Prisoner in that place, that he had not written sooner, least he might be thought too impatient of his punishment, which appeared to be the effects of an high displeasure, which, he hoped, he no wise deserv'd; that he



was resolved to continue in all duty, and obedience to His Majesty, and his Royal Highness, and never to fail in any profession thereof he had made; and begged to know what satisfaction was expected, and where, and how, he might live with his Highness's favour.

This Letter, at First, seemed to please, and, the *Earl heard*, it did, but the only answer, directly returned, was *Summons* charging the Earl, *with leasing making, and depraving of Laws*, before any return from His Majesty: And after a return came, another *Summons*, with sound of Trumpet, containing *Perjury and Treason*, added to the former crimes: Notwithstanding all which, fair weather was made, and it was given out, and likewise intimated to the Earl, by a particular message from one of the Club, that no more was designed, but to humble the Earl, and to take his heritable and other Offices from him, and his Family, and when his Highness was told it was *hard measure*, by such a process, and on such pretensions, to threaten *Life, and Fortune*; his Highness said, *Life, and Fortune? God forbid.*

What happened after these things, and how the process was carried on, follows now in order: And for your more clear, and distinct information, I have sent you, several very necessary and useful *Papers*, with *Indexes* on the Margin, pointing at such Passages, as more remarkably concern this affair

### *The T E S T, Containing the Oath to be taken by all Persons in publick Trust.*

I Solemnly Swear, in the presence of the Eternal God, whom I invoke as Judge, and Witness of the sincere intention of this my Oath, That I own, and sincerely profess the true Protestant Religion, contained in the *Confession of Faith*, Recorded in the first Parliament of King *James the VI.* and that I believe the same to be founded on, and agreeable to the written Word of God. And I promise and swear, That I shall adhere thereunto, during all the days of my Life time; and shall endeavour to Educate my Children therein; And shall never consent to any change or alteration contrary thereto, and that I disown and renounce all such Principles, Doctrines, or Practices, whether Popish, or Fanatical, which are contrary unto, and inconsistent with the said Protestant Religion, and *Confession of Faith*. And for testification of my obedience to my most gracious Sovereign, *Charles the II.* I do affirm, and swear by this my solemn Oath, that the Kings Majesty is the only Supreme Governour of this Realm, over all Persons, and in all Causes, as well Ecclesiastical as Civil: And that no Foreign Prince, Person, Pope, Prelate, State or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Preheminency, or Authority, Ecclesiastical or Civil, within this Realm. And therefore I do utterly renounce, and forsake all Foreign Jurisdications, Powers, Superiorities, and Authorities: And do promise, that from henceforth I shall bear Faith, and true Allegiance to the Kings Majesty, his Heirs and lawful Successors; and to my power shall assist and defend all Rights, Jurisdications, Prerogatives, Priviledges, Preferments and Authorities belonging to the Kings Majesty, his Heirs and lawful Successors. And I further affirm and swear by this my solemn Oath, That I judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence whatsoever, to enter into Covenants or Leagues, or to Convocate, Conveen, or Assemble in any Councils, Conventions or Assemblies, to Treat, Consult, or Determine in any matter of State, Civil or Ecclesiastick, without His Majesties special Command, or Express License had thereto; or to take up Arms against the King, or these Commissionate by him. And that I shall never so rise in Arms, or enter into such Covenants or Assemblies: And that there lies no obligation on me from the National Covenant, or the Solemn League and Covenant (commonly so called) or any other manner of way whatsoever, to endeavour any Change or Alteration in the Government, either in Church or State, as it is now established by the Laws of this Kingdome. And I Promise and Swear, That I shall, with my utmost power, Defend, Assist and Maintain His Majesties Jurisdiction fore said against all deadly. And I shall never decline His Majesties Power and Jurisdiction, as I shall answer to God. And finally, I affirm and swear, That this my solemn Oath is given in the plain genuine sense, and meaning of the words, without any equivocation, mental reservation, or any manner of evasion whatsoever; and that I shall not accept or use any dispensation from any creature whatsoever; So help me God.

The Bishop of Aberdeen, and the Synods Explanation  
of the Test.

WE do not hereby swear to all the particular Assertions and Expressions of the *Confession of Faith*, mentioned in the *Test*, but only to the uniform Doctrine of the Reformed Churches contained therein:

II. We do not hereby prejudge the Churches Right to, and Power of making any alteration in the said *Confession*, as to the ambiguity and obscure expressions thereof, or of making a more unexceptionable frame.

III. When we swear, That the King is Supreme Governour over all Persons, and in all Causes, as well Ecclesiastick as Civil; and when we swear to assert and defend all His Majesties Rights and Prerogatives, this is reserving always the intrinsic unalterable power of the Church, immediately derived from Jesus Christ, to wit, the power of the Keys consisting in the preaching of the Word, administration of the Sacraments, ordaining of Pastors, exercise of Discipline, and the holding of such Assemblies as are necessary for preservation of Peace and Unity, Truth and Purity in the Church; and withal, we do hereby think, that the King has a power to alter the Government of the Church at his pleasure.

IV. When we swear, That it is unlawful for Subjects to meet or convene, to treat or consult, &c. about matters of State, Civil, and Ecclesiastick, this is excepting meetings for Ordination, publick Worship and Discipline, and such meetings as are necessary for the conservation of the Church, and true Protestant Religion.

V. When we swear, There lies no obligation on us, &c. to endeavour any change or alteration in Government, either in Church or State, we mean by Arms, or any seditious way.

VI. When we swear, That we take the *Test* in the plain and genuine sense of the words, &c. we understand it only in so far as it does not contradict these Exceptions.

The Explanation of the Test, by the Synod and Clergy  
of Perth.

BECAUSE our Consciences require the publishing and declaring of that express meaning we have in taking the *Test*, that we be not mis-interpreted to swear it in these glosses which men uncharitable to it, and enemies to us, are apt to put upon it; and because some men, ill affected to the Government, who are daily broachers of odious and calumnious Slanders against our Persons and Ministry, are apt to deduce inferences and conclusions from the alleged ambiguity of some Propositions of the *Test*, that we charitably and firmly do believe were never intended by the Imposers, nor received by the Takers. Therefore to satisfy our Consciences, and to save our Credit from these unjust imputations, we expressly declare, That we swear the *Test* in this following meaning.

I. By taking the *Test*, we do not swear to every Proposition and Clause contained in the *Confession of Faith*, but only to the true Protestant Religion, founded upon the Word of God, contained in that *Confession*, as it is opposed to Popery and Fanaticism.

II. By swearing the Ecclesiastick Supremacy, we swear it as we have done formerly; without any reference to the assertory Act. We also reserve intire unto the Church, its own intrinsic and unalterable power of the Keys, as it was exercised by the Apostles, and the pure primitive Church, for the first three Centuries.

III. By swearing, That it is unlawful to Convocate, convene or assemble in any Council, Conventions or Assemblies, to treat, consult, &c. in any matter of State, Civil or Ecclesiastick, as we do not evacuate our natural Liberty, whereby we are in freedom, innocently without reflection upon, or derogating to Authority, or persons intrusted with it, to discourse in any occasional meeting of these things; so we exclude not those other meetings which are necessary for the well-being and Discipline of the Church.

IV. By our swearing it unlawful to endeavour any change or alteration in the Government, either of Church or State, we mean, that it is unlawful for us to endeavour the alteration of the specifick Government of Monarchy, in the true and lineal Descent, and Episcopacy.

V. When we swear in the genuine and literal sense, &c. we understand it so far as it is not opposite, or contradictory to the foresaid exceptions.

They were allowed to insert after the Oath, before their Subscriptions, these words, or to this purpose:

## The Case of the Earl of Argyle.

*We under-written do take this Oath, according to the Explanation made by the Council, approved by His Majesties Letter; and we declare, we are no further bound by this Oath.*

E D I N B U R G H,

### The sederunt of the Council.

*Sederunt vigesimo secundo Die Septembris, 1681.*

His Royal Highness, &c.

Montrose,	Roxburgh,	Ross,
Errol,	Queensberry,	Dalziel,
Marshall,	Airley,	Treasurer Deputy Praeses,
Marr,	Kintore,	Advocate,
Glencarne,	Breadalbane,	Justice Clerk,
Winton,	Lorne,	Collintoun,
Linlithgow,	Levingston,	Tarbet,
Perth,	Bishop of Edinburgh,	Haddo,
Strathmore,	Elphinston,	Lundie.

This day the Test was subscribed by the above-written Privy-Councillors, and by the Earl of Queensberry, who coming in after the rest had taken it, declared that he took it with the Explication following.

### *The Earl of Queensberries Explanation of the Test when he took it.*

**H**IS Lordship declared, that by that part of the Test, *That there lies no obligation—to endeavour any change, or alteration in the Government, &c.* He did not understand himself to be obliged against Alterations, in case it should please His Majesty to make alterations of the Government of Church or State.

## HALTRUDEHOUSE.

*Sederunt vigesimo primo Die Octobris, 1681.*

His Royal Highness, &c.

Winton,	Airley,	Treasurer Deputy Praeses,
Perth,	Lorne,	Register,
Strathmore,	Levingston,	Advocate,
Queensberry,	Bishop of Edinburgh,	Collintoun.
Ancram,		

This day the Bishop of Edinburgh having drawn up a long Explication of the Test, to satisfy the many Objections and Scruples moved against it, especially by the conformed Clergy, presented it to the Council for their Lordships Approbation, which was ordered to be read; but the Paper proving prolix, and tedious, his Highness, after reading of a few Leaves, interrupted, saying very wittily, and pertinently, *That the first Chapter of John with a Stone will chase away a Dog, and so break it off.* Yet the Bishop was afterward allowed to print it, if he pleased.

*Sederunt quarto Die Novembris, 1681.*

His Royal Highness, &c.

Montrose Praeses,	Winton,	Linlithgow,
Perth,	Strathmore,	Roxburgh,
Ancram,	Airley,	Balcarras,
Levingston,	Bishop of Edinburgh,	Elphinstoun,
President of Session,	Treasurer Deputy,	Register,
Advocate,	Lundie.	



This day the Earl of Argyle being about to take the Test, as a Commissioner of the Treasury, and having upon Command produced a Paper bearing the sense in which he took the Test, the preceeding day, and in which he would take the same, as a Commissioner of the Treasury; Upon consideration thereof, it was resolved, that he cannot sit in Council, not having taken the Test, in the sense and meaning of the Act of Parliament, and therefore was removed.

### *The Earl of Argyle's Explication of the Test when he took it.*

I Have considered the Test, and I am very desirous to give obedience as far as I can. I'm confident the Parliament never intended to impose contradictory Oaths: Therefore I think no Man can explain it but for himself. Accordingly I take it, as far as it is consistent with it self and the Protestant Religion. And I do declare, That I mean not to bind up my self in my station and in a lawful way, to wish and endeavour any alteration I think to the advantage of Church or State, not repugnant to the Protestant Religion and my Loyalty. And this I understand as a part of my Oath.

But the Earl finding, as hath been narrated, this his Explication though accepted, and approved by his Highness and Council the day before, to be this day carped and offended at, and advantages thereupon sought and designed against him, did immediately draw up the following Explanation of his Explication, and for his own vindication did first communicate it to some privately, and thereafter intended to have offered it at his Trial for clearing of his defences.

### *The Explanation of his Explication.*

I Have delayed hitherto to take the Oath, appointed by the Parliament to be taken, by the first of January next: But now being required, near two Months sooner, to take it, this day peremptorily, or to refuse. I have considered the Test, and have seen several Objections moved against it, especially by many of the Orthodox Clergy, notwithstanding whereof, I have endeavoured to satisfy my self with a just Explanation, which I here offer, that I may not satisfy my conscience, and obey Your Highness, and Your Lordships commands in taking the Test; though the Act of Parliament do not simply command the thing, but only under a Circumstance which I could easily submit to, if it were with Your Highness favour, and might be without offence, but I love not to be singular, and I am very desirous to give obedience in this and every thing, as far as I can, and that which clears me is, that I am confident what ever any Man may think, or say, to the prejudice of this Oath, the Parliament never intended to impose contradictory Oaths; and because their sense, (they being the framers and imposers) is the true sense, and that this Test enjoined is of no private interpretation, nor are the Kings statutes to be interpreted but as they bear, and to the intent they are made. Therefore I think no Man, that is, no private Person, can explain it for another, to amuse or trouble him with (it may be) mistaken glosses: But every Man, as he is to take it, so is to explain it for himself, and to endeavour to understand it, (notwithstanding all these exceptions) in the Parliament, which is its true and genuine sense, I take it therefore notwithstanding any scruple made by any as far as it is consistent with it self, and the Protestant Religion which is wholly in the Parliaments sense, and their true meaning; which [being present] I am sure, was owned by all to be the securing of the Protestant Religion, founded on the Word of God, and contained in the Confession of Faith Recorded J. 6 p. 1. c. 4. And not out of scruple as if any thing in the Test did import the contrary, but to clear my self from all cavils; as if thereby I were bound up further then the true meaning of the Oath. I do declare that by that part of the Test, that there lies no obligation on me, &c. I mean not to bind up my self, in my station, and in a lawful way, still disclaiming all unlawful endeavours, to wish, and endeavour any alteration I think, according to my conscience, to the advantage of Church, or State, nor repugnant to the Protestant Religion, and my Loyalty; and by my Loyalty, I understand no other thing then the words plainly bear, to wit the duty and allegiance of all Loyal Subjects; and this explanation I understand as a part not of the Test or Act of Parliament, but as a qualifying part of my Oath that I am to Swear, and wish it I am willing to take the Test, if Your Royal Highness, and Your Lordships allow me, or otherwise, in submission to Your Highness, and the Councils pleasure, I am content to be held as a refuser at present.

*The Councils Letter to His Majesty, Concerning their having committed the Earl of Argyle.**May it please your Sacred Majesty,*

**T**HE last Parliament having made so many and so advantageous Acts, for securing the Protestant Religion, the Imperial Crown of this Kingdom, and Your Majesties Sacred Person (whom God Almighty long preserve) and having for the last, and as the best way for securing all these, appointed a *Test* to be taken by all who should be entrusted with the Government; which bears expressly, That the same should be taken in the plain and genuine sense and meaning of the words; *We were very careful, not to suffer any to take the said Oath or Test, with their own Glosses or Explications: But the Earl of Argyle* having, after some delays, come to Council, to take the said Oath, as a Privy Councillor, spoke some things which were not then heard, nor adverted to, and when his Lordship at his next offering to take it in Council, as one of the Commissioners of Your Majesties Treasury, was commanded to take it simply, he refused to do so; but gave in a Paper, shewing the only sense in which he would take it, which Paper we all considered, as that which had in it gross and scandalous Reflections upon that excellent Act of Parliament, making it to contain things contradictory and inconstant; and thereby depraving Your Majesties Laws, misrepresenting Your Parliament, and teaching Your Subjects to evaduate and disappoint all Laws and Securities that can be enacted for the preservation of the Government; suitable to which his Lordship declares in that Paper, *That he means not to bind up himself from making any alterations he shall think fit, for the advantage of Church or State; and which Paper he desires may be looked upon as apart of his Oath, as if he were the Legislator, and able to add a part to the Act of Parliament.* Upon serious perusal of which Paper we found our selves obliged to send the said Earl to the Castle of Edinburgh, and to transmit the Paper to Your Majesty, being expressly obliged to both thesely Your Majesties express Laws. And we have commanded your Majesties Advocate to raise a pursuit against the said Earl, for being Author, and having given in the said Paper: And for the further prosecution of all relating to this Affair, we expect Your Majesties Commands, which shall be most humbly and faithfully obeyed by

*Your Majesties most Humble,  
most Faithful,  
and most Obedient  
Subjects and Servants*

Edinburgh, Nov. 8. 1681:

Sic Subscribitur,

*Glencairne, Winton, Linlithgow,  
Perth, Roxburgh, Ancram,  
Airlie, Levingston, Jo. Edinburgh:  
Ross, Geo. Gordoun, Ch. Maitland,  
G. Mckenzie, Ja. Foulis, J. Drummond*

November. 15. 1681.

*The Kings Answer to the Councils Letter.*

C. R.

**M**ost dear, &c. Having in one of your Letters directed unto us, of the 8. Instant received a particular account of the Earl of Argyle's refusing to take the *Test* simply, and of your proceedings against him, upon the occasion of his giving in a Paper, shewing the only sense in which he will take it, which had in it gross and scandalous Reflections upon that excellent late Act of our Parliament there, by which the said *Test* was enjoyned to be taken; we have now thought fit to let you know, that as we do hereby approve these your Proceedings, particularly your sending the said Earl to our Castle of Edinburgh; and your commanding our Advocate to raise a Pursuit against him for being Author of, and having given in the said Paper; so we do also authorize you to do all things that may concern the further prosecution of all relating to this Affair. Nevertheless, it is our express Will and Pleasure, That before any Sentence shall be pronounced against him, at the Conclusion of the *Process*, you send us a particular account of what he shall be found guilty of, to the end that, after our being fully informed thereof, we may signify our further pleasure in this matter. For doing whereof, &c.

But

But as notwithstanding the Councils demanding by their Letter His Majesties allowance for prosecuting the Earl, they before any return caused His Majesties Advocate to exhibit an Indictment against him, upon the points of slandering and depraving, as hath been already remarked; so after having received His Majesties answer, the design grows, and they thought fit to order a new Indictment, containing beside the former points, the Crimes of *Treason* and *Perjury*, which accordingly was exhibited, and is here subjoyned, the difference betwixt the two Indictments being only in the particulars above noted.

*The Copy of the Indictment against the Earl of Argyle.*

*Archibald Earl of Argyle,*

**Y**OU are Indicted and Accused, That albeit by the Common Law of all well-govern'd Nations, and by the Municipal Laws and Acts of Parliament of this Kingdom; and particularly, by the 21<sup>st</sup>, and by the 43<sup>d</sup> Act, Par. 2 *James 1.* and by the 83<sup>d</sup> Act, Par. 6. *James 5.* and by the 34<sup>th</sup> Act, Par. 8. *James 6.* and the 134<sup>th</sup> Act, Par. 8. *James 6.* and the 207<sup>th</sup> Act, Par. 14. *James 6.* All Leasing-makers, and tellers of them, are punishable with tines of Life and Goods; like as by the 107<sup>th</sup> Act, Par. 7. *James 1.* it is statuted, That no man interpret the Kings Statutes otherwise than the Statute bears, and to the intent and effect that they were made for, and as the makers of them understood, and who so does in the contrary, to be punished at the Kings will. And by the 10<sup>th</sup> Act, Par. 10. *James 6.* it is statuted, That none of His Majesties Subjects presume or take upon him publickly to declare, or privately to speak or write any purpose of reproach or slander of His Majesties Person, Estate or Government, or to deprave his Laws, or Acts of Parliament, or misconstrue his proceedings, whereby any mistaking may be moved betwixt his Highness, his Nobility, and loving Subjects, in time coming, under pain of death, certifying them that does in the contrary, they shall be reputed as seditious and wicked Instruments, enemies to his Highness, and to the Commonwealth of this Realm, and the said pain of death shall be executed against them with all rigour, to the example of others: And by the second Act, Sec. 2. Par. 1. *Char. 2.* it is statuted, That whosoever shall by Writing, Libelling, Remonstrating, expresse, publish, or declare any words or sentences, to stir up the people to the dislike of His Majesties Prerogative and Supremacy, in causes Ecclesiastick, or of the Government of the Church by Archbishops and Bishops, as it is now settled by Law, is under the pain of being declared incapable to exercise any Office Civil, Ecclesiastick, or Military, within this Kingdom, in any time coming. Like as by the fundamental Laws of this Nation, by the 130<sup>th</sup> Act, Par. 8. *James 6.* it is declared, That none of His Majesties Subjects presume to impugn the Dignity or Authority of the three Estates, or to procure innovation or diminution of their Power and Authority, under the pain of *Treason*. And that it is much more *Treason* in any of His Majesties Subjects, to presume to alter Laws already made, or to make new Laws, or to add any part to any Law by their own Authority, that being to assume the Legislative Power to themselves, with His Majesties highest, and most incommunicable Prerogative. Yet true it is, that albeit His Sacred Majesty did not only bestow on you the said *Archibald Earl of Argyle*, those vast Lands, Jurisdictions and Superiorities, justly forfeited to His Majesty by the Crimes of your deceased Father, preferring your Family to those who had served His Majesty against it, in the late Rebellion, but also pardoned and remitted to you the Crimes of Leasing-making, and misconstruing His Majesties and his Parliaments proceedings against the very Laws above-written, whereof you were found guilty, and condemned to die therefore, by the High Court of Parliament, the 25<sup>th</sup> of August, 1662. and raised you to the Title and Dignity of an Earl, and being a Member of all His Majesties Judicatures. Notwithstanding of all thete, and many other favours, you the said *Archibald Earl of Argyle*, being put by the Lords of His Majesties Privy-Council to take the *Test*, appointed by the Act of the last Parliament, to be taken by all persons in publick Truth, you, instead of taking the said *Test*, and swearing the same in the plain genuine sense and meaning of the words, without any equivocation, mental reservation, or evasion whatsoever, you did declare against, and defame the said Act; and having, to the end you might corrupt others by your pernicious sense, drawn the same in a Libel, of which Libel you dispersed, and gave abroad Copies, whereby ill impressions were given of the King and Parliaments proceedings, at a time especially when His Majesties Subjects were expecting what submission should be given to the said *Test*; and being desired the next day to take the same, as one of the Commissioners of His Majesties Treasury, you did give into the Lords of His Majesties Privy Council, and owned twice, in plain judgment before them, the said defamatory Libel against the said *Test* and Act of Parliament, declaring, That you had considered the said *Test*, and was desirous to give obedience as far as you could, whereof you clearly intimated, that you was not able to give full obedience. In the second Article of which Libel you declare, That you were confident the Parliament never intended to impose con-



*tradictory Oaths*, thereby to abuse the people with a belief, that the Parliament had been so impious as really and actually to have imposed contradictory Oaths, and so ridiculous, as to have made an Act of Parliament (which should be most deliberate of all humane actions) quite contrary to their own intentions; after which you subsumed, contrary to the nature of all Oaths, and to the Acts of Parliament above cited, *that every man must explain it for himself, and take it in his own sense*, by which not only that excellent Law, and the Oath therein specified, which is intended to be a Fence to the Government, both of Church and State, but all other Oaths and Laws shall be rendered altogether useless to the Government. If every man take the Oaths imposed by Law in his own sense, then the Oath imposed is to no purpose, for the Legislator cannot be sure that the Oath imposed by him will bind the takers according to the design and intent for which he appointed it, and the Legislative Power is taken from the Imposers, and settled in the taker of the Oath, and so he is allowed to be the Legislator, which is not only an open and violent depraving of His Majesties Laws and Acts of Parliament, but is likewise a settling of the Legislative Power on private Subjects, who are to take such Oaths. In the third Article of that Paper you declare, That you take the Test in so far only as it is consistent with it self, and the Protestant Religion; by which you maliciously intimate to the people, That the said Oath is inconsistent with it self, and with the Protestant Religion, which is not only a down right depraving of the said Act of Parliament, but is likewise a misconstruing of His Majesties and the Parliaments proceedings, and misrepresenting them to the people in the highest degree, and in the tenderest points they can be concerned; and implying, that the King and Parliament have done things inconsistent with the Protestant Religion, for securing of which that Test was particularly intended. In the Fourth Article you do expressly declare, that you mean not by taking the said Test, to bind up your self from wishing and endeavouring any alteration in a lawful way that you shall think fit, for advancing of Church and State; whereby also it was designed by the said Act of Parliament and Oath, That no man should make any alteration in the Government of Church and State, as it is now established; and that it is the Duty of all good Subjects, in humble and quiet manner, to obey the present Government. Yet you not only declare your self, but by your example you invite others to think themselves loosed from that Obligation, and that it is free for them to make any alteration in either, as they shall think fit, concluding your whole Paper with these words, (*And this I understand as a part of my Oath*); which is a treasonable invasion upon the Royal Legislative Power, as if it were lawful for you to make to your self an Act of Parliament, since he who can make any part of an Act may make the whole, the Power and Authority in both being the same. Of the which Crimes above-mentioned, you the said Archibald Earl of Argyle are Actor, Art and Part; which being found by the Adize, you ought to be punished with the pains of Death, forfeiture and escheat of Lands and Goods, to the terror of others to commit the like hereafter.

*An Abstract of the several Acts of Parliament upon which the Indictment against the Earl of Argyle was grounded.*

*Concerning raisers of Rumours betwixt the King and his people, Chap. 20. 1. Statutes of King Robert 1.*

**I**T is defended and forbidden, That no man be a Conspirator, or Inventer of Narrations or Rumours, by the which occasion of discord may arise betwixt the King and his people. And if any such man shall be found; and attainted thereof, incontinent he shall be taken and put in Prison, and there shall be surely kept up; ay, and while the King declare his will anent him.

*Act 43. of Par. 2. King James 1. March 11. 1424. Leasing-makers forfault Life and Goods.*

**I**tem, It is ordained by the King and whole Parliament, that all Leasingmakers, and tellers of them, which may engender discord betwixt the King and his people wherever they may be gotten, shall be challenged by them that power has, and tyne Linc and Goods to the King.

*Act 83. Par. 6. James 5. Dec. 10. 1540. Of Leasing-makers.*

**I**tem, Touching the Article of Leasing-makers to the Kings Grace, of his Barons, great men, and Leiges, and for punishment to be put to them theretore, the Kings Grace, with advice of his three Estates, ratifies and approves the Acts and Statutes made thereupon before, and ordains the same to be put in execution in all points; and also Statutes and ordains, That if any manner of person makes any evil Information of his Highness to his Barons and Leiges, that

that they shall be punished in such manner, and by the same punishment as they that make Leasings to his Grace of his Lords, Barons, and Leiges.

*Act 134. Par. 8. James 6. May 22. 1584. Anent Slanderers of the King, his Progenitors, Estate and Realm.*

**F**Orasmuch as it is understood to our Sovereign Lord, and his three Estates assembled in this present Parliament, what great harm and inconveniency has fallen in this Realm, since the beginning of the Civil troubles occurred in the time of his Highness's minority, through the wicked and licentious, publick and private speeches, and untrue calumnies of divers of his Subjects, to the disdain, contempt and reproach of His Majesty, his Council and proceedings, and to the dishonour and prejudice of his Highness, his Parents, Progenitors and Estate, stirring up his Highness's Subjects thereby to misliking, sedition, unquietness, and to cast off their due obedience to His Majesty, to their evident peril, tinfil and destruction; his Highness continuing always in love and clemency toward all his good Subjects, and most willing to seek the safety and preservation of them all, which wilfully, needlessly, and upon plain malice, after his Highness's mercy and pardon oft times afore granted, has procured themselves, by their treasonable deeds, to be cut off as corrupt Members of this Commonwealth. Therefore it is statute and ordained by our Sovereign Lord, and his three Estates in this present Parliament, that none of his Subjects of whatsoever Function, Degree or Quality, in time coming shall presume, or take upon hand, privately or publicly, in Sermons, Declarations, and familiar Conferences, to utter any false, slanderous, or untrue Speeches, to the disdain, reproach, and contempt of His Majesty, his Council and proceedings, or to the dishonour, hurt or prejudice of his Highness, his Parents and Progenitors, or to meddle in the Affairs of his Highness, and his Estate present, by-gone, and in time coming, under the pains contained in the Acts of Parliament anent makers and tellers of Leasings, certifying them that shall be tryed contraveeners thereof, or that hear such slanderous Speeches, and reports not the same with diligence, the said pain shall be executed against them with all rigour, in example of others.

*Act 205. Par. 14 King James 6. June 8. 1594. Anent Leasing-makers, and Authors of Slanders.*

**O**UR Sovereign Lord, with advice of his Estates in this present Parliament, ratifies, approves, and for his Highness and Successors, perpetually confirms the Act made by his Noble Progenitors, King James the First, of Worthy Memory, against Leasing-makers, the Act made by King James the Second, entituled, *Against Leasing-makers, and tellers of them*; the Act made by King James the Fifth, entituled, *Of Leasing-makers*; and the Act made by his Highness's self, with advice of his Estates in Parliament, upon the 22d. day of May, 1584. entituled, *For the punishment of the Authors of Slanders, and untrue Calumnies against the Kings Majesty, his Council and proceedings, to the dishonour and prejudice of his Highness, his Parents, Progenitors, Crown and Estate*; as also the Act made in his Highness's Parliament holden at Linlithgow, upon the 10th of December, 1585. entituled, *Against the Authors of slanderous Speeches or Writs*; and statutes and ordains all the said Acts to be published of new, and to be put in execution in time coming, with this addition, That whoever hears the said Leasings, Calumnies or slanderous Speeches or Writs to be made, and apprehends not the Authors thereof, if it lies in his power, and reveals not the same to his Highness, or one of his Privy Council, or to the Sheriff, Steward or Bayliff of the Shire, Stewards in Regality or Royalty, or to the Provost, or any of the Bayliffs within Burgh, by whom the same may come to the knowledge of his Highness, or his said Privy-Council, where through the said Leasing-makers, and Authors of slanderous Speeches may be called, tryed and punished according to the said Acts: The hearer, and not apprehender, [if it lye in his power] and concealer, and not revealer of the said Leasing makers, and Authors of the said slanderous Speeches or Writs, shall incur the like pain and punishment as the principal Offender.

*Act 107. Par. 7. King James 1. March 1. 1427. That none interpret the Kings Statutes wrongously.*

**I**tem, the King by deliverance of Council, by manner of Statute, forbids, That no man interpret his Statutes otherwise than the Statutes bear, and to the intent and effect that they were made for, and as the maker of them understood; and who so does in the contrary, shall be punished at the Kings will.

*Act 10. Par. 10. King James 6. Dec. 10. 1585. Authors of slanderous Speeches or Writs should be punished to the Death.*

**I**T is statued and ordained by our Sovereign Lord and three Estates, that all his Highness's Subjects content themselves in quietness and dutiful obedience to his Highness and his Authority, and that none of them presume, or take upon hand publickly to declaim, or privately to speak or write any purpose of reproach or slander of His Majesties Person, Estate, or Government, or to deprave his Laws and Acts of Parliament, or misconstrue his proceedings, whereby any misliking may be moved betwixt his Highness and his Nobility, and loving Subjects in time coming, under the pain of Death, certifying them that do in the contrary, they shall be reputed as seditious and wicked Instruments, enemies to his Highness, and the Commonwealth of this Realm, and the said pain of Death shall be executed upon them with all rigour, in example of others.

*Act for preservation of His Majesties Person, Authority and Government, May 1662.*

—And further it is by His Majesty and Estates of Parliament declared, statued and enacted, That if any person or persons shall by writing, printing, praying, preaching, libelling, remonstrating, or by any malicious or advised speaking, expresse, publish or declare any words or sentences, to stir up the people to the hatred or dislike of His Majesties Royal Prerogative and Supremacy, in Causes Ecclesiastical, or of the Government of the Church by Archbishops and Bishops, as it is now settled by Law—That every such person or persons so offending, and being legally Convicted thereof, are hereby declared incapable to enjoy or exercise any place or employment, Civil, Ecclesiastick, or Military, within this Church and Kingdom, and shall be liable to such further pains as are due by the Law in such Cases.

*Act 130. Par. 8. James 6. May 22. 1584. Anent the Authority of the three Estates of Parliament.*

**T**HE Kings Majesty considering the Honour and the Authority of his Supreme Court of Parliament, continued past all memory of man unto their days, as constitute upon the free Votes of the three Estates of this ancient Kingdom, by whom the same, under God, has ever been upholden. Rebellious and Traiterous Subjects punished, the Good and Faithful preserved and maintained, and the Laws and Acts of Parliament (by which all men are governed) made and established. And finding the Power, Dignity and Authority of the said Court of Parliament, of late years, called in some doubt, at least, some curiously travelling to have introduced some Innovation there anent, His Majesties firm will and mind always being as it is yet, That the Honour, Authority, and Dignity of his said three Estates shall stand and continue in their own Integrity, according to the ancient and laudable custom bygone, without any alteration or diminution: Therefore it is statued and ordained, by our said Sovereign Lord, and his said three Estates in this present Parliament, That none of his Leiges or Subjects presume, or take upon hand to impugn the Dignity and Authority of the said three Estates, or to seek or procure the innovation or diminution of the Power and Authority of the same three Estates, or any of them in time coming, under the pain of Treason.

*The Earl of Argyle's first Petition for Advocates, or Council to be allowed him.*

To his Royal Highness, His Majesties High Commissioner, and to the Right Honourable the Lords of His Majesties Privy-Council.

*The Humble Petition of Archibald Earl of Argyle.*

*SHEWETH,*

**T**hat your Petitioner being Criminally Indicted before the Lords Commissioners of Justiciary, at the instance of His Majesties Advocate, for Crimes of an high Nature: And whereas in this Case no Advocate will readily plead for the Petitioner, unless they have your Royal Highness's, and Lordships, Special License and Warrant to that effect, which is usual in the like Cases.

*It is therefore humbly desired, that Your Royal Highness, and Lordships, would give special Order and Warrant to Sir George Lockhart, his ordinary Advocate, to consult and plead for him in the foresaid Criminal Process, without incurring any hazard upon that account, and your Petitioner shall ever pray.* Edin.



Edinburgh, Novemb. 22. 1681.

*The Councils Answer to the Earl of Argyle's first Petition,  
about his having Advocates allowed him.*

**H**IS Royal Highness, his Majesties High Commissioner, and Lords of Privy-Council, do refuse the desire of the above-written Bill, but allows any Lawyers the Petitioners shall employ, to consult and plead for him in the Process of Treason, and other Crimes, to be pursued against him at the instance of His Majesties Advocate. Extr. By me,  
*Will. Paterson.*

*The Earl of Argyle's second Petition for Council to be allowed him.*

To His Royal Highness, His Majesties High Commissioner, and to the Right Honourable the Lords of His Majesties Privy-Council.

*The humble Petition of Archibald Earl of Argyle.*

**SHEWETH,**

**T**hat your Petitioner having given in a former Petition, humbly representing, That he being Criminally Indicted before the Lords Commissioners of Justiciary, at the instance of His Majesties Advocate, for Crimes of an high Nature: And therefore desiring that Your Royal Highness, and Lordships, would give special Warrant to Sir George Lockhart, to consult and plead for him: Whereupon your Royal Highness, and Lordships did allow the Petitioner to make use of such Advocates as he should think fit to call. Accordingly your Petitioner having desired Sir George Lockhart to consult and plead for him, he hath as yet refused your Petitioner. And by the 11. Parliament of King James the VI. Cap. 38. As it is the undeniable privilege of all Subjects, accused for any Crimes, to have liberty to provide themselves of Advocates, to defend their Lives, Honour, and Lands, against whatsoever accusation; so the same Privilege is not only by Parliament 11. King James the VI. Cap. 90. Farther asserted and confirmed, but also it is declared, That in case the Advocates refuse the Judges are to compel them, least the party accused should be prejudged: And this being an affair of great importance to your Petitioner, and Sir George Lockhart having been not only still his ordinary Advocate, but also by his constant converse with him is best known to your Petitioners Principles; and of whose eminent abilities and fidelity your Petitioner (as many others have) hath had special proof all along in his Concerns, and hath such singular confidence in him that he is most necessary to your Petitioner at this occasion.

May it therefore please Your Royal Highness and Lordships to interpose your Authority, by giving a special Order and Warrant to the said Sir George Lockhart, to consult and plead for him in the said Criminal Process, conform to the tenor of the said Acts of Parliament, and constant known practice in the like Cases, which was never refused to any Subject of the meanest quality, even to the greatest Criminals. And your Royal Highness's, and Lordships Answer is humbly craved.

Edinburgh, Novemb. 24. 1681.

*The Councils Answer to the Earl of Argyle's second Petition.*

**H**IS Royal Highness, His Majesties High Commissioner, and Lords of Privy Council, having considered the foresaid Petition, do adhere to their former Order, allowing Advocates to appear for the Petitioner in the Process foresaid. Extr. By me,  
*Will. Paterson.*

*The Earl of Argyle's Letter of Attorney, constituting Alexander Dunbar his Procurator, for requiring Sir George Lockhart to plead for him.*

**W**E Archibald Earl of Argyle, do hereby substitute, constitute and ordain Alexander Dunbar, our Servitor, to be our Procurator, to pass and require Sir George Lockhart Advocate to consult, and plead for us in the Criminal Process intended against us, at the instance of His Majesties Advocate; and to compare with us, before the Lords Commissioners of Justiciary,

Justiciary, upon the 12th of December next, conform to an Act of Council, dated the 22d of Novemb. instant, allowing any Lawyers that we should employ, to consult and plead for us in the said Process, and to another Act of Council of the 24th of Novemb. instant, relative to the former, and conform to the Acts of Parliament. In witness whereof, we have Subscribed these presents, at Edinburgh-Castle, Nov. 26. 1681. before these Witnesses, Duncan Campbell Servitor to James Glen Stationer in Edinburgh, and John Thom, Merchant in the said Burgh.

A R G Y L E,

Duncan Campbell,

John Thom,

} Witnesses.

*An Instrument whereby the Earl of Argyle required Sir George Lockhart to appear and plead for him.*

*Apud Edenburgum vigesimo sexto die Mensis Novembris, Anno Domini millesimo sexcentesimo octuagesimo primo, & Anno Regni Car. 2. Regis trigesimo tertio.*

THE which day, in presence of me Notar publick, and Witnesses under-subscribed, appeared personally Alexander Dunbar, Servitor to a Noble Earl, Archibald Earl of Argyle, as Procurator, and in name of the said Earl, conform to a Procuracion subscribed by the said Earl at the Castle of Edinburgh, upon the twenty first day of November, 1681. making and constituting the said Alexander Dunbar his Procurator, to the effect under-written: and past to the personal presence of Sir George Lockhart Advocate, in his own Lodging in Edinburgh, having and holding in his hands an Act of His Majesties Privy Council, of the date the 22d of November, 1681. instant, proceeding upon a Petition given in by the said Earl of Argyle, to the said Lords, shewing, That he being Criminally Indicted before the Lords Commissioners of Justiciary, at the instance of His Majesties Advocate, for Crimes of an high Nature, and whereas in that Case no Advocates would readily plead for the said Earl, unless they had his Royal Highness's, and their Lordships special License and Warrant to that effect, which is usual in the like Cases: And by the said Petition humbly supplicated, that his Highness and the Council, would give special Order and Command to the said Sir George Lockhart, the said Earls ordinary Advocate, to consult and plead for him in the foresaid Criminal Process, without incurring any hazard upon that account. His Royal Highness, and Lords of the said Privy Council, did refuse the desire of the said Petition, but allowed any Lawyers the Petitioner should employ, to consult and plead for him in the Process of Treason, and other Crimes to be pursued against him, at the instance of His Majesties Advocate. And also the said Alexander Dunbar, having and holding in his hands another Act of the said Lords of Privy Council, of the date the 24th of the said month, relative to, and narrating the said first Act, and proceeding upon another supplication given in by the said Earl to the said Lords, craving, That his Royal Highness, and the said Lords would interpose their Authority, by giving a positive and special Order and Warrant to the said Sir George Lockhart, to consult and plead with him in the foresaid Criminal Process, conform to the tenor of the Acts of Parliament mentioned and particularized in the said Petition, and frequent and known practice in the like cases, which was never refused to any Subjects of the meanest quality. His Royal Highness, and Lords of Privy Council, having considered the foresaid Petition, did by the said Act adhere to their former Order, allowing Advocates to appear for the said Earl in the Process foresaid, as the said Acts bear, and produced the said Acts and Procuratory foresaid to the said Sir George Lockhart, who took the same in his hands, and read them over successive; and after reading thereof, the said Alexander Dunbar Procurator, and in name and behalf foresaid, solemnly required the said Sir George Lockhart, as the said Noble Earls ordinary Advocate, and as a Lawyer and Advocate, upon the said Earls reasonable expence, to consult and advise the said Earls said Process, at any time and place the said Sir George should appoint to meet thereupon, conform to the foresaid two Acts of Council, and Acts of Parliament therein mentioned, appointing Advocates to consult in such matters; which the said Sir George Lockhart altogether refused: Whereupon the said Alexander Dunbar, as Procurator, and in Name foresaid, asked and took Instruments, one or more, in the hands of me Notary publick under-subscribed. And these things were done within the said Sir George Lockhart's Lodging, on the South side of the Street of Edinburgh, in the Lane-Mercat, within the Dining-room of the said Lodging, betwixt Four and Five hours in the Afternoon, Day, Month, Year, Place, and of His Majesties Reign, respective foresaid, before Robert Dickson, and John Lesh,

*Lefty, Servitors to John Campbell, Writer to His Majesties Signet, and Dougall Mac. Alester, Messenger in Edinburgh, with divers others, called and required to the Premises.*

*Ira esse Ego Johannes Broun, Notarius publicus, in Premissis requisitus, Attestor Testantibus his meis signo & subscriptione manualibus solitis & consuetis.*

Broun.

*Robert Dickson,  
Dougall, Mac. Alester,  
John Lefty,*

} Witnesses.

Decemb. 5. 1682.

*The Opinion of divers Lawyers concerning the Case of the Earl of Argyle.*

WE have considered the Criminal Letters, raised at the instance of His Majesties Advocate against the Earl of *Argyle*, with the Acts of Parliament contained and narrated in the same Criminal Letters, and have compared the same with a Paper, or Explication, which is libelled to have been given in by the Earl to the Lords of His Majesties Privy-Council, and owned by him, as the sense and explication in which he did take the Oath imposed by the late Act of Parliament. Which Paper is of this tenor: *I have considered the Test, and am very desirous to give obedience as far as I can, &c.* And having likewise considered that the Earl, after he had taken the Oath, with the explication and sense then put upon it, it was acquiesced to by the Lords of Privy-Council, and he allowed to take his place, and to sit and Vote. And that, before the Earls taking of the Oath, there were several papers spread abroad, containing objections, and alledging inconsistencies and contradictions in the Oath, and some thereof were presented by Synods and Presbyteries of the Orthodox Clergy, to some of the Bishops of the Church. It is our humble Opinion, that seeing the Earls design and meaning in offering the said Explication was altogether for the clearing of his own Conscience, and upon no factious or seditious design; and that the matter and import of the said paper is no contradiction of the Laws and Acts of Parliament, it doth not at all import any of the Crimes libelled against him, *viz.* Treason, Leasing making, depraving of His Majesties Laws, or the Crime of Perjury, but that the glosses and inferences put by the Libel upon the said paper are altogether strained and unwarrantable, and inconsistent with the Earls true design, and the sincerity of his meaning and intention, in making of the said Explication.

Wednesday the 12th of December, the day of comparance assigned to the Earl being now come, he was brought by a guard of Souldiers from the Castle to the place appointed for the Trial, and the Justice Court being met and seated, the Earl, now Marquess of *Queensberry*, then Justice-General, the Lords *Nairn, Collingtown, Forres, Newtown and Hirkhouse*, the Lords of Justiciary sitting in Judgment, and the other formalities also performed, the Indictment above set down Num. 24. was read, and the Earl spoke as follows.

*The Earl of Argyle's Speech to the Lord Justice General, and the Lords of the Justiciary, after he had been arraigned, and his Indictment read.*

*My Lord Justice General, &c.*

I Look upon it as the undeniable priviledge of the meanest Subject to explain his own words in the most benign sense; and even when persons are under an ill Character, the misconstruction of words in themselves not ill can only reach a presumption or aggravation but not any more.

But it is strange to alledge, as well, as I hope, impossible, to make any that know me believe, that I could intend any thing but what was honest and honourable, suitable to the Principles of my Religion and Loyalty, tho I did not explain myself at all.

My Lord, I pray you be not offended that I take up a little of your time, To tell you I have from my Youth made it my business to serve His Majesty faithfully, and have constantly, to my power, appeared in his Service especially in all times of difficulty, and have never joined, nor complied with any Interest or Party, contrary to His Majesties Authority, and have all along served him in his own way, without a frown from His Majesty these thirty years.

As soon as I passed the Schools and Colledges, I went to travel to *France and Italy*, and was abroad 1647, 1648, and till the end of 1649.



My first appearance in the World, was to serve His Majesty as Collonel in his Foot-Guards; and tho at that time all the Commissions were given by the then Parliament, yet I would not serve without a Commission from His Majesty, which I have still the Honour to have by me.

After the misfortune of *Worcester*, I continued in Arms for His Majesties Service, when *Scotland* was over-run with the Usurpers, and was alone with some of my Friends in Arms in the Year 1652. and did then keep up some appearance of opposition to them: And General Major *Dean* coming to *Argyleshire*, and planting several Garrisons, he no sooner went away but we fell upon the Garrisons he had left, and in one day took two of them, and cut off a considerable part of a third, and carried away in all about three hundred Prisoners. And in the end of that year, I sent Captain *Shaw* to His Majesty, with my humble Opinion how the War might be carried on who returned to me with Instructions and Orders, which I have yet lying by me.

After which, I joyned with those His Majesty did Commissionate, and stood out till the last, that the Earl of *Middleton*, His Majesties Lieutenant General, gave me Orders to Capitulate, which I did without any other Engagements to the Rebels, but allowing persons to give Bail for my living peaceably, and did at my Capitulating relieve several Prisoners by exchange, whereof my Lord *Granard*, out of the Castle of *Edinburgh*, was one.

It is notariy known, that I was forcefaulted by the Usurpers, who were so jealous of me, that contrary to their Faith, within eight months after my Capitulation, upon pretence I keep'd Horses above the value, they seized on me, and kept me in one Prison after another, till His Majesties happy Restauration, and this only because I would not engage not to serve His Majesty, tho there was no Oath required.

I do with all gratitude acknowledge His Majesties goodness, bounty, and Royal favours to me, when I was pursued before the Parliament in the year 1662. His Majesty was graciously pleased not to send me here in any opprobrious way, but upon a bare verbal Parole; upon which I came down Post, and presented my self a Fourthnight before the day. Notwithstanding whereof I was immediately clapt up in the Castle, but having satisfied His Majesty at that time, of my entire Loyalty, I did not offer to plead by Advocates. And His Majesty was not only pleased to pardon my Life, and to restore me to a Title and Fortune, but to put me in trust in his Service, in the most eminent Judicatories of this Kingdom, and to heap favours upon me, far beyond what ever I did or can deserve, tho I hope His Majesty hath always found me faithful and thankful, and ready to bestow all I have, or can have for his Service. And I hope never hath had, nor ever shall have ground to repent any favour he hath done me. And if I were now really guilty of the Crimes libelled, I should think my self a great Villain.

The next occasion I had to shew my particular zeal to His Majesties Service, was in *June* 1666. when the Insurrection was made that was repress'd at *Pentland-Hills*. At the very first, the intercourse betwixt this place and me was stopt, so that I had neither Intelligence nor Orders from the Council, nor from the General, but upon a Letter from the now Archbishop of *St. Andrews*, telling me there was a Rebellion like to be in the three Kingdoms, and bidding me beware of *Ireland* and *Kintyre*. I brought together about two thousand men; I seized all the Gentlemen in *Kintyre* that had not taken the Declaration, tho I found them peaceable. And I sent a Gentleman to General *Dalziel*, to receive his Orders, who came to him just as they were going to the Action at *Pentland*, and was with him in it, and I kept my men together till his return. And when I met with considerable trouble from my Neighbours, rebelliously in Arms, and had Commissions both on publick, and private accounts, have I not carried dutifully to His Majesty, and done what was commanded with a just moderation, which I can prove under the hands of my enemies, and by many infallible demonstrations?

Pardon me a few words: Did I not in this present Parliament shew my readines to serve His Majesty and the Royal Family, in asserting vigorously the lineal legal Succession of the Crown, and had a care to have it express'd in the Commissions of the Shires and Burghs I had interest in? Was I not for offering proper Supplies to His Majesty and his Successor? And did I not concur to bind the Landlords for their Tenants, altho I was mainly concerned? And have I not always kept my Tenants in obedience to His Majesty?

I say all this, not to arrogate any thing for doing what was my Honour and Duty to His Majesty; but if after all this, upon no other ground but words that were spoken in absolute innocence, and without the least design, except for clearing my own Conscience, and that are not capable of the ill sense wrested from them by the Libel, I should be further troubled, what assurance can any of the greatest Quality, Trust, or Innocence, have that they are secure? Especially considering, that so many Scruples have been started, as all know, not only by many of the Orthodox Clergy, but by whole Presbyteries, Synods, and some Bishops, which were thought so considerable, that an eminent Bishop took the pains to write a Treatise, that was read over in Council, and allowed to be Printed, and a Copy given to me, which contains all the expressions I am charged for, and many more that may be stretched to a worse sense.

Have

Have I not shewed my zeal to all the ends of the *Test*? How then can it be imagined that I have any *sinister* delign in any thing that I have said? If I had done any thing contrary to it all the course of my life, which I hope shall not be found, yet one act might pretend to be excused by a habit. But nothing being questioned but the sense of words misconstrued to the greatest height, and stretched to imaginary insinuations, quite contrary to my scope and delign, and to far contrary, not only to my sense, but my principles, Interest, and duty, That I hope my Lord Advocate will think he hath gone too far on in this Process, and say plainly what he knows to be truth by his acquaintance with me, both in publick and private; *viz.* That I am neither Papist nor Fanatick, but truly loyal in my principles and practices.

The hearing of this Libel would trouble me beyond most of the sufferings of my Life if my innocence did not support me, and the hopes of being vindicated of this and other Calumnies before this publick and Noble Auditory.

I leave my Defences to these Gentlemen that plead for me, they know my innocence, and how groundless that Libel is.

I shall only say, As my Life hath most of it been spent in serving and suffering for his Majesty, so whatever be the event of this Process, I resolve, while I breath, to be loyal and faithful to His Majesty. And whether I live publickly or in obscurity, my head, my heart nor my hand, shall never be wanting where I can be useful to His Majesties Service. And while I live, and when I die, I shall pray, That God Almighty would bless His Majesty with a long, happy, and prosperous Reign; and that the lineal legal successours of the Crown may continue Monarchs of all His Majesties Dominions, and be Defenders of the True Primitive, Christian, Apostolick, Catholick, Protestant Religion, while Sun and Moon endure.

*God save the King.*

*The Kings own Letter to this Nobleman when he was Lord Lorn.*

Collogne, December 20. 1654.

My Lord Lorn,

I am very glad to hear from Middleton, what affection and zeal you shew to my Service, how constantly you adhere to him in all his distresses, and what good Service you have performed upon the Rebels. I assure you, you shall find me very just, and kind to you in rewarding what you have done and suffered for me; and I hope you will have more Credit and Power with those of your Kindred and Dependants upon your Family, to engage them with you for me, than any body else can have to seduce them against me; and I shall look upon all those who shall refuse to follow you as unworthy of any protection hereafter from me, which you will let them know. This honest Bearer, M--- will inform you of my Condition and Purposes, to whom you will give Credit; and he will tell you, That I am very much.

Your very affectionate Friend,

C. R.

*General Middleton's Order to the Earl of Argyle, who was then Lord Lorn, for capitulating with the English, wherein he largely expresseth his Worth and Loyalty.*

John Middleton, Lieutenant General, next and immediate under His Majesty, and Commander in chief of all the Forces raised, and to be raised, within the Kingdom of Scotland.

Seeing the Lord Lorn hath given so singular proofs of clear and perfect Loyalty to the Kings Majesty, and of pure and constant affection to the good of His Majesties Affairs, as never hitherto to have any ways complied with the Enemy, and to have been principally instrumental in the enlivening of this late War, and one of the chief and first movers in it, and hath readily, cheerfully, and gallantly engaged, and resolutely and constantly continued active in it, notwithstanding the many powerful dissuasions, discouragements, and oppositions he hath met withal from divers hands, and hath in the carrying on of the Service shewn such signal Fidelity, Integrity, Generosity, Prudence, Courage, and Conduct, and such high Vertue, Industry, and Ability, as are suitable to the Dignity of his Noble Family, and the Trust His Majesty reposed in him, and hath not only stood out against

against all temptations and enticements, but hath most nobly crossed and repressed designs and attempts of deserting the Service, and persisted loyally and firmly in it to the very last, through excessive toil and many great difficulties, misregarding all personal inconveniences, and chusing the loss of Friends, Fortune, and all private Concernments, and to endure the utmost extremities rather than to swerve in the least from his Duty; or taint his Reputation with the meanest shadow of disloyalty and dishonour. I do therefore hereby testify and declare, That I am perfectly satisfied with his whole Deportments, in relation to the Enemy, and this late War; and do highly approve them, as being not only above all I can express of their worth, but almost beyond all parallel. And I do withal hereby both allow, and most earnestly desire, and wish him, to lose no time in taking such course for his safety and preservation by Treaty, and Agreement, or Capitulation, as he shall judge most fit and expedient for the good of his Person, Family, and Estate, since inevitable and invincible necessity hath forced us to lay aside this War. And I can now no other way express my respects to him, nor contribute my endeavour to do him Honour and Service. Intestimony whereof I have signed and sealed these Presents at *Dumveagave*, the last day of *March*, 1655.

JOHN MIDDLETON

*Another Letter from the Earl of Middleton, to the same purpose.*

Paris, April 17. 1655.

*My Noble Lord,*

I Am hopeful, that the Bearer of this Letter will be found one who has been a most faithful Servant to your Lordship and my kind Friend, and a sharer in my Troubles. Indeed I have been strengthened by him to support and overcome many difficulties. He will acquaint you with what hath past, which truly was strange to both of us, but your own Re-encounters will lessen them. My Lord, I shall be faithful in giving you that Character which your Worth and Merit may justly challenge. I profess it is, next to the ruine of the Service, one of my chiefest Regrets that I could not possibly wait upon you before my going from *Scotland*, that I might have settled a way of Correspondence with you, and that your Lordship might have understood me better than yet you do; I should have been plain in every thing, and indeed have made your Lordship my Confessor: and I am hopeful the Bearer will say somewhat for me, and I doubt not but your Lordship will trust him. If I shall please God to bring me safe from beyond Sea, your Lordship shall hear from me by a sure hand. Sir Ro. M. will tell you a way of corresponding. So that I shall say no more at present, but that I am without possibility of change.

*My Noble Lord,*Your Lordships most Faithful,  
and most Humble Servant,

JO. MIDDLETON

*A Letter from the Earl of Glencairn, testifying his esteem for this Noble Person, and the sense he had of his loyalty to the King, when few had the Courage to own him.**My Lord,*

Let it may be my misfortune, in all these great Revolutions, to be misrepresented to your Lordship, as a person unworthy of your favourable Opinion (an Artifice very frequent in these times) I did take occasion to call for a Friend and Servant of yours, the Laird of *Spanie*, on whose discretion I did adventure to lay forth my hearts desire, to obviate in the bud any of these misunderstandings. Your Lordships true worth and zeal to your Countries happiness; being so well known to me, and confirmed by our late suffering acquaintance. And now finding how much it may conduce to these great ends we all wish that a perfect Unity may be amongst all good and honest-hearted *Scotchmen*, tho there be few more insignificant than my self; yet my zeal for those ends obliges me to say, that if your Lordships health and affairs could have permitted you to have been at *Edenburgh* in these late times, you would have seen a great inclination and desire amongst all here of a perfect Unity, and of a mutual respect to your Person, as of chief eminence and worth. And I here shall set it under my Hand, to witness against all my Informers, that none did with



with more passion, nor shall with more continued zeal, witness themselves to be true Honourers of you, than he who desires infinitely to be esteemed,

My Lord,

Your most Humble Servant,

GLENCAIRN.

What I cannot well write I hope this discreet Gentleman will tell you in my Name: and I shall only beg leave to say, that I am your most Noble Ladies Humble Servant.

After the reading of which order and letters, which yet the Court refused to record, The Earl's Advocate or Council Sir George Lockhart said in his defence as follows.

### Sir George Lockhart's Argument and Plea for the Earl of Argyle.

SIR George Lockhart for the Earl of Argyle alledged, That the Libel is not Revelant, and whereupon he ought to be but to the knowledge of an Inquest. For,

It is alledged in the general, That all Criminal Libels, whereupon any persons Life, Estate, and Reputation can be drawn in question, should be founded upon clear, positive, and expresse Acts of Parliament, and the matter of Fact, which is libelled to be the Contravention of those Laws, should be plain, clear, and direct Contraventions of the same, and not argued by way of Implications and Inferences. Whereas in this Case, neither the Acts of Parliament, founded upon, and libelled, can be in the least the foundation of this Libel: nor is the Explication which is pretended to be made by the Pannel, at the time of the taking of his Oath (if considered,) any Contravention of those Laws; which being premised, and the Pannel denying the Libel, as to the whole Articles and Points therein contained, it is alledged in special,

That the Libel, in so far as it is founded upon the 21<sup>st</sup>. Chap. Stat. 1.<sup>o</sup> Robert 1. and upon 83<sup>d</sup>. Act, Par. 6. James 5. the 43<sup>d</sup>. Act, Par. 2. James 1. and upon the 83<sup>d</sup>. Act, Par. 10. James 5. and upon 84<sup>th</sup>. Act, Par. 8. James 6. and upon the 10<sup>th</sup>. Act, Par. 10. James 6. and upon the 2<sup>d</sup>. Act, Par. 1. Ses. 2. of His Sacred Majesty, and inferring thereupon, That the Pannel, by the pretended Explication given in by him to the Lords of His Majesties Privy-Council, as the sense of the Oath he had taken, doth commit the Crime of Leasing-making, and depraving His Majesties Laws: The Inference and subsumption is most unwarrantable and the Pannel, tho any such thing were acknowledged or proved, can never be found guilty of contraveeneing these Acts of Parliament. In respect it is evident, upon perusal and consideration of these Acts of Parliament, that they only concern the case of Leasing-making tending to Sedition, and to beget Discord betwixt His Majesty and His Subjects, and the dislike of His Majesties Government, and the reproach of the same. And the said Laws, and Acts of Parliament were never understood or libelled upon, in any other Sense. And all the former Acts of Parliament, which relate to the crime of Leasing-making in general terms, and under the qualification foresaid, as tending to beget discord betwixt his Majesty and his Subjects, are explained and fully declared, as to what is the true meaning and import thereof, by the 134<sup>th</sup>. Act, Par. 8. James 6. which relates to the same Crime of Leasing-making, and which is expressly described in these terms, To be wicked and licentious; publick and private Speeches, and untrue Calumnies to the disdain and contempt of His Majesties Council and Proceedings, and to the dishonour and prejudice of his Highness and his Estate, stirring up his Highness's Subjects to misliking, and Sedition, and unquietness which being the true sense and import of the Acts of Parliament made against Leasing-makers, there is nothing can be inferred from the Pannel's alledged Explication; which can be wrested or construed to be a Contravention of these Laws: In respect,

First, It is known by the whole tenor of his Life, and graciously acknowledged by His Sacred Majesty, by a Letter under His Royal Hand, that the Pannel did ever most zealously, vigorously, and faithfully promote and carry on His Majesties Service and Interest, even in the worst and most difficult times: Which is also acknowledged by a Pass under the Earl of Middleton's hand, who had then a special Commission from His Majesty, for carrying on His Majesties Service in this Kingdom, as Lieutenant General under His Majesty; and by a Letter under the Earl's hand, of the date, both which do contain high expressions of the Pannels Loyalty, and of the great Services he had performed for His Majesties interest, and His Majesty, as being conscious thereof, and perfectly knowing the Pannels Loyalty, and his zeal, and faithfulness for his Service, did think fit to entrust the Pannel in Offices and Capacities of the greatest trust of the Kingdom. And it is a just and rational presumption, which all Laws makes and infers, That the words and expressions of persons, who by the tenor and

course

courfe of their Lives have expreffed their Duty and Loyalty to His Majesties Interests, are ever to be interpreted and understood *in meliorem partem*. And by way of Implication and Inference, to conclude and infer crimes from the same, which the user of such words and expreffions never mean'd nor designed, is both unreasonable and unjust.

2. As the foresaid Acts of Parliament made against Leasing makers, and depravers of His Majesties Laws, only proceed in the terms aforesaid, where the words and speeches are plain, tending to beget discord between the King and his Subjects, and to the reproach and dislike of his Government, and when the same are spoke and vented in a subdole, pernicious, and fraudulent manner: So they never were, nor can be understood to proceed in the case of a person offering in the presence of a publick Judicature (whereof he had the honour to be a Member) his sincere and plain meaning and apprehension of what he conceived to be the true sense of the Act of Parliament imposing and enjoying the *Test*: There being nothing more opposite to the Acts of Parliament made against Leasing making, and venting and spreading abroad the same upon seditious designs, than the foresaid plain and open declaration of his sense and apprehension, what was the meaning of the said Act of Parliament. And it is of no import to infer any crime; and much less any of the crimes libelled, albeit the Pannel had erred and mistaken in his apprehension of the Act of Parliament. And it were a strange extension of the Act of Parliament made against Leasing-makers, requiring the qualifications foresaid, and the Acts against depraving His Majesties Laws, to make the Pannel, or any other person guilty upon the mistakes and misapprehensions of the sense of the Laws, wherein men may mistake and differ very much, and even eminent Lawyers and Judges. So that the Acts of Parliament against Leasing making, and depraving His Majesties Laws, can only be understood in the express terms and qualifications foresaid. Like as it neither is libelled, nor can be proven, that the Pannel, before he was called and required by the Lords of His Majesties Privy-Council to take Oath, did ever, by word or practice, use any reproachful speeches of the said Act of Parliament, or of His Majesties Government: But being required to take the Oath, he did humbly, with all submission, declare what he apprehended to be the sense of the Act of the Parliament, enjoying the *Test*, and in what sense he had freedom to take the same.

3. The Act of Parliament enjoying the *Test* does not enjoy the same to be taken by all persons whatsoever, but only prescribes it as a qualification without which persons could not assume or continue to act in publick Trust: Which being an Oath to be taken by so solemn an invocation of the Name of Almighty God, it is not only allowable by the Laws and customs of all Nations, and the Opinion of all Divines, and Casuists, Popish or Protestant, but also commended, that where a Party has any scrupulosity, or uncleaness in his conscience, as to the matter of the Oath, that he should exhibit and declare the sense and meaning in which he is willing and able to take the Oath. And it is not at all material, whether the scruples of a mans conscience, in the matter of an Oath, be in themselves just or groundless, it being a certain *maxim*, both in Law and Divinity, that *Conscientia etiam erronea ligat*: And therefore tho the Pannel had thought fit, for the clearing and exoneration of his own conscience, in a matter of the highest concern as to his peace and repose, to have exprest and declared the express sense in which he could take the Oath, whether the said sense was consistent with the Act of Parliament or not, yet it does not in the least import any matter of reproach or reflection upon the justice or prudence of the Parliament in imposing the said Oath: but alenarly does evince the weakness and scrupulosity of a mans conscience, who neither did, nor ought to have taken the Oath but with an explanation that would have saved his conscience to his apprehension. Otherwise he had grossly sinned before God, even tho it was *Conscientia errans*. And this is allowed and prescribed by all Protestant Divines, as indispensably necessary, and was never thought to import any crime, and is also commended even by Popish Casuists themselves, who tho they allow, in some cases, of mental reservations and equivocations, yet the express declaration of the sense of the party is allowed and commended, as much more ingenious: and *tutius Remedium Conscientiæ ne illaqueetur*, as appears by Bellarmine de *Juramento*, and upon the same Title de *Interpretatione Juramenti*; and Lessius, that famous Casuist, de *Justitia & Jure*, *Dubitatione* 8, 9. *utrum si quis salvo animo aliquid Juramento promittat obligetur, & quale peccatum hoc sit*. And which is the general opinion of all Casuists, and all Divines, as may appear by Amesius, in his Treatise de *Conscientia*, *Sandersen de Juramento*, *Prælectione secunda*. And such an express Declaration of the sense and meaning of any party, when required to take an Oath, for no other end but for the clearing and exoneration of his own Conscience, was never in the opinion of any Lawyer, or any Divine, construed to be the Crime of Leasing-making, or of defamatory Libels, or depraving of publick Laws, or reproaching or misconstruing of the Government: but on the contrary, by the universal suffrage of all Protestant Divines, there is expressly requir-

red, in Cases of a scrupulous Conscience, an abhorrence and detestation of all reserved senses, and of all *Amphibologies* and Equivocations, which are in themselves unlawful and reprobate, upon that unanswerable Reason, that *Juramentum* being the highest Act of Devotion and Religion, *in eo requiritur maxima simplicitas*; and that a party is obliged, who has any scruples of Conscience, publicly and openly to clear and declare the same.

4. Albeit it is not controverted, but that a Legislator, imposing an Oath, or any publick Authority, before whom the Oath is taken, may, after hearing of the Sense and Explication which a person is willing to put upon it, either reject or accept of the same, if it be conceived not to be consistent with the genuine sense of the Oath: Yet tho it were rejected, it was never heard of, or pretended, that the offering of a sense does import a Crime, but that notwithstanding thereof, *Habetur pro Recusante*, and as if he had not taken the Oath, and to be liable to the certification of Law, as if he had been a Refuser.

5. The Pannel having publicly, and openly declared the sense in which he was free to take the Oath, it is offered to be proved that he was allowed, and did accordingly proceed to the taking of the Oath, and did thereafter take his place, and sit and Vote, during that *Sederunt* of Privy Council. So as the pretended Sense and Explication, which he did then emit and give, can import no Crime against him.

6. It is also offered to be proved, that before the Pannel was required to take the Oath, or did appear before his Royal Highness, and Lords of Privy-Council, to take the same, there were a great many Papers spread abroad from persons and Ministers of the Orthodox Clergy; and as the Pannel is informed, some thereof presented to the Bishops of the Church, in the name of Synods and Presbyteries, which did, in downright terms, charge the Test and Oath with alledged contradictions and inconsistencies. And for satisfaction whereof some of the Learned and Reverend Bishops of the Church did write a learned and satisfying Answer, called *A Vindication of the Test, for clearing the Scruples, Difficulties and Mistakes that were objected against it*. And which Vindication and Answer was exhibited, and read before the Lords of His Majesties Privy Council, and allowed to be printed, and from which the Pannel argues.

1. That it neither is, nor can be pretended in this Libel, that the alledged Explication, wherein he did take the Oath, does propose the scruples of his Conscience in these terms, which were proposed by the Authors of these Objections, which do flatly and positively assert, that the Oath and Test do contain matters of inconsistency and contradiction, whereas all that is pretended in this Libel, with the most absolute violence can be put upon the words, is arguing Implications and Inferences, which neither the words are capable to bear, nor the sincerity of the Earls intention and design, nor the course of his by-past life can possibly admit of. And yet none of the persons who were the Authors of such papers were ever judged or reputed Criminal or Guilty, and to be prosecuted for the odious and infamous Crimes libelled, of *Treason, Leasing-making, Perjury*, and the like.

2. The Pannel does also argue from the said matter of Fact, that the alledged Explication libelled, can neither in his intention and design, nor in the words, infer or import any Crime against him, because, before his being required, or appearing to take the Oath, there were spread abroad such Scruples and Objections, by some of the Orthodox Clergy and others, so that the Earl can never in any sense be construed in his Explication wherein he took the Oath, to have done it *animo infamandi*, and to declaim against the Government, for the Scruples and Objections that were spread abroad by others, were a fair and rational occasion why the Earl in any sense or explication which he offered might have said, that he was confident the Parliament never intended to impose contradictory Oaths; and this is so far from importing the insinuation and inference made by the Libel, that thereby the Parliament were so impious as to impose contradictory Oaths, as on the contrary, considering the circumstances fore-mentioned, that there were papers spread abroad, insinuating, That there were inconsistencies and contradictions contained therein, the said expression was an high Vindication of the Honour and Justice of the Parliament, against the Calumnies and Mis-representations which were cast upon it, and was also a just Rife for the Pannel, for the clearing and exoneration of his own Conscience, in the various senses and apprehensions which he found were going abroad as to the said Test, humbly to offer his sense, in which he was clear and satisfied to take the Oath.

7. To the Libel, in so far as it is founded upon the Act of Parliament, *viz. Act 130. Par. 8. James 6.* declaring, That none should presume to impugn the Dignity or Authority of the three Estates of Parliament, or procure any Invasion or diminution thereof, under the pain of Treason; as also in so far as it is pretended in the Libel, That the Pannel by offering the sense and explication libelled, has assumed the Legislative power; which is incommunicable, and has made a Law, or a part of a Law.

It is answered, The Libel is most groundless and irrelevant, and against which the Act of Parliament is opposed, which is so plain and evident upon the reading thereof, that it



neither is, nor can be subject to the least cavillation: And the plain meaning whereof is nothing else but to impugn the Authority of Parliaments, as if the King and Parliament had not a Legislative Power, or were not the highest Representative of the Kingdom; or that any of the three Estates were not essentially requisite to constitute the Parliament. And besides, there is nothing more certain, than that the occasion of the said Act its being made was in relation to the Bishops and Clergy; and there is nothing in the pretended Explanation, that can be wrested to import the least Contravention of the said Act, or to be an impugning of the three Estates of Parliament, or a seeking any innovation therein. And it is admired, with what shadow of Reason it can be pretended, that the Pannel has assumed a Legislative power, or made a part of a Law, seeing all that is contained in the alleged Explanation libelled, is only a Declaration of the Earls sense in which he was satisfied to take the Oath, and so respected none but himself, and for the clearing of his own Conscience, which justly indeed the Word of God calls a Law to himself, without any inroaching upon the Legislative power. And where was it ever debated, but that a man in the taking of an Oath, if as to his apprehensions he thought any thing in it deserved to be cleared, might declare the same, or that his exhibiting, at the time of the taking of the Oath, his sense and explication wherein he did take it, was ever reputed or pretended to be the assuming of a Legislative power, it being the universal practice of all Nations to allow this liberty; and which sense may be either rejected or accepted, as the Legislator shall think fit, importing no more but a parties private sense, for the exoneration of his own Conscience? And as to that Member of the Libel founded upon Act 19. Par. 3. Queen Mary, it contains nothing but a Declaration of the pain of Perjury, and there is nothing in the Explanation libelled, which can in the least be inferred as a Contravention of the said Act, in respect if it should be proved, That the Pannel, at the time of the taking of the Oath, did take it in the words of the said Explanation, as his sense of the Oath, it is clear that the sense being declared at the time of taking the Oath, and allowed as the sense wherein it was taken, the Pannel can only be understood to have taken it in that sense. And although publick Authority may consider whether the sense given by the Pannel does satisfy the Law or not, yet that can import no more though it was found not to satisfy, but to hold the Pannel as a Refuser of the Oath; but it is absolutely impossible to infer the Crimes of perjury upon it, being as is pretended by the Libel, the Pannel did only take it with the Declaration of the Sense and Explanation Libelled.

8. As the Explanation libelled does not at all import all, or any of the Crimes contained in the said Libel, so by the common principles of all Law, where a person does emit words for the clearing and exoneration of his own Conscience, altho there were any ambiguity, or unclearness, or involvedness, in the tenor or import of the expressions or words, yet they are ever to be interpreted, *Interpretatione benigna & favorabili*, according to the general Principles of Law and Reason. And it never was, nor can be refused to any person to interpret, and put a congruous sense upon his own words, especially the Pannel being a person of eminent Quality, and who hath given great demonstration, and undeniable evidences of his fixt and unalterable Loyalty to His Majesties Interest and Service, and, at the time of emitting the said Explanation, was invested and intrusted in publick Capacities. And it is a just and rational interpretation and caution which *Sanderfon*, that judicious and eminent Casuist, gives, *Præcl. 2.* That *dicta & facta principum, parentum, rectorum*, are ever to be looked upon as *benigne Interpretationis*, and that *Dubia sunt interpretanda in meliorem partem*. And there is nothing in the Explanation libelled, which, without detortion and violence, and in the true sense and design of the Pannel, is not capable of this benign Interpretation and construction, especially respect being had to the Circumstances wherein it was emitted and given, after a great many Objections, Scruples, and alleged Inconsistencies, were owned, vented and spread abroad, which was a rise to the Earl for using the expressions contained in the pretended Declaration libelled.

10. These words whereby it is pretended the Pannel declares, *he was ready to give obedience as far as he could*, first, do not in the least import, That the Parliament had imposed any Oath which was in it self unlawful, but only the Pannels scrupulosity and unclearness in matter of Conscience. And it is hoped it cannot be a Crime, because all men cannot go the same length. And if any such thing were argued, it might be argued ten times more strongly from a simple refusing of the Oath, as if any thing were enjoined which were so hard that it is not possible to comply with it: And yet such implications are most irrational and inconsequential, and neither in the case of a simple and absolute refusing of the Oath, nor in the Case of an Explication of the parties sense, wherein he is willing to take the Oath, is there any impeachment of the Justice, and prudence of the Legislator, who imposeth this Oath, but singly a declaration of the scrupulosity and weakness of the party, why he cannot take the Oath in other terms; and such Explications have been allowed by the Laws and Customs of all Nations, and are advised by all Divines, of whatsoever principles, for the solace and security of a Mans Conscience.

2. As to that point of the Explication libelled, *That I am confident the Parliament never intended to impose contradictory Oaths*; it respects the former answer, which, considering the plain and downright Objections that were spread abroad, and made against the Oath, as containing inconsistencies and contradictions, was an high Vindication of the Justice and prudence of the Parliament.

3. As to these words, *And therefore I think no body can explain it but for himself*. The plain and clear meaning is nothing else, but that the Oath being imposed by Act of Parliament, it was of no private interpretation; and that therefore every man who was to take it, behooved to take it in that sense which he apprehended to be the genuine sense of the Parliament: And it is impossible, without impugning common sense, that any man could take it in any other sense, it being as impossible to see with another's eyes as to see with his private Reason. And a mans own private sense, and apprehension of the genuine sense, was the only proper way wherein any man could rationally take the Oath.

And as to these words, *That he takes it as far as it is consistent with it self and the Protestant Religion*. The Pannel neither intended nor expressed more, but that he did take it as a true Protestant, and he hopes all men have taken it as such.

And as to that Clause, wherein the Pannel is made to declare, *That he does not bind up himself in his Station, in a lawful way, to wish and endeavour any alteration he thinks to the advantage of Church or State, not repugnant to the Protestant Religion and his Loyalty*.

It is answered, There is nothing in this expression that can import the least Crime, or give the least umbrage for any mistake, For,

1. It is most certain, it is impossible to elicit any such thing from the Oath, but that it was the intention of the Parliament, That persons, notwithstanding of the Oath, might concur in their stations, and in a lawful way, in any Law to the advantage of Church and State. And no rational man ever did, or can take the Oath in other terms, that being contrary to his Allegiance and Duty to His Sacred Majesty and Prince.

2. There is nothing in the said expression which does touch in the least point at any alteration in the Fundamentals of Government, either in Church or State, but on the contrary, by the plain and clear words and meaning, rather for its perpetuity, stability and security. The expression being cautioned to the utmost scrupulosity, as that it was to be done in a lawful manner; that it was to be to the advantage of Church or State; that it was to be consistent with the Protestant Religion, and with his Loyalty, which was no other but the Duty and Loyalty of all faithful Subjects; and which he has signally and eminently expressed upon all occasions. So that how such an expression can be drawn to import all or any of the Crimes libelled, passeth all Natural Understanding.

And as to the last words, *And this I understand as a part of my Oath*, which is libelled to be a treasonable Invasion, and assuming of the Legislative power. It is answered, it is most unwarrantable; and a parties declaring the sense and meaning in which he was free to take an Oath, does not at all respect or invade the Legislative power, of which the Pannel never entertained a thought, but has an absolute abhorrence and detestation of such practices. But the plain and clear meaning is, That the sense and explication was a part of his Oath, and not of the Law imposing the Oath, these being as distant as the two Poles; and which sense was taken off the Earls hands, and he accordingly was allowed to take his place at the Council-Board, and therefore repeats the former general Defences.

And to convince the Lords of Justiciary, that there is nothing in the pretended explication libelled which can be drawn to import any Crime, even of the lowest size and degree, and that there is no expression therein contained that can be detorted or wrested to import the same, is evident from the learned Vindication published and spread abroad by an eminent Bishop, and which was read in the face of the Privy Council, and does contain expressions of the same nature, and to the same import contained in the pretended Explication, libelled as the ground of this Indictment libelled against the Pannel. And it is positively offered to be proven, That these terms were given in, and read, and allowed to be printed, and (without taking notice of the whole tenor of the said Vindication, which the Lords of Justiciary are humbly desired to peruse, and consider, and compare the same with the Explication libelled) the same acknowledgeth, that scruples had been raised and spread abroad against the Oath; and also acknowledgeth, that there were expressions therein that were dark and obscure; and likewise takes notice, that the Confession ratified *Par. 1. James 6.* to which the Oath relates, was hastily made, and takes notice of that Authority that made it, and acknowledges in plain terms, that the Oath does not hinder any regular endeavour to regulate or better the Established Government, but only prohibits irregular endeavours and attempts to invert the substance or body of the Government; and does likewise explain the Act of Parliament anent His Majesties Supremacy, that it does not reach the alteration of the external Government of the Church. And the Pannel and his Proctors are far from insinuating in the least, that there is any thing in the said Vindication

tation but what is consistent with the exemplary Loyalty, Piety and Learning of the Writer of the same. And tho others perhaps may differ in their private opinion, as to this interpretation of the Act of Parliament anent the Kings Supremacy, yet it were most absurd and irrational to pretend that whether the mistake were upon the interpretation of the Writer, or the sense of others, as to that point, that such mistakes or misapprehensions, upon either hand, should import or infer against them the Crimes of Leasing making, or depraving His Majesties Laws: For if such Foundations were laid, Judges and Lawyers had a dangerous employment, there being nothing more ordinary than to fall into differences and mistakes of the sense and meaning of the Laws and Acts of Parliament. But such Crimes cannot be inferred, but with and under the qualifications above mentioned, of malicious and perverse designs, joyned with licentious, wicked and reproachful speeches spread abroad, to move Sedition and dislike of the Government. And the said Laws were never otherwise interpreted, nor extended in any case. And therefore the Explication libelled, neither as taken complexly, nor in the several expressions thereof, nor in the design of the ingiver of the same, can in Law import against him all or any of the Crimes libelled.

In like manner the Pannel conjoyns with the grounds above-mentioned the Proclamation issued forth by His Majesties privy Council, which acknowledges and proceeds upon a Narrative, that scruples and jealousies were raised and spread abroad against the Act of Parliament enjoying the *Test*. For clearing and satisfaction whereof the said Proclamation was issued forth, and is since approved by His Sacred Majesty.

### *The Kings Advocates Argument and Plea against the Earl of Argyle.*

**H**IS Majesties Advocate, for the foundation of his Debate, does represent, That His Majesty, to secure the Government from the Rebellious Principles of the last Age, and the unjust Pretexts made use of in this, from Popery, and other Jealousies; as also to secure the Protestant Religion, and the Crown, called a Parliament; and that the great security resolved on by the Parliament was this excellent *Test*, in which, that the old juggling Principles of the Covenant might not be renewed, wherein they still swore to serve the King in their own way, the Parliament did positively ordain, That this Oath should be taken in the plain genuine meaning of the words, without any evasion whatsoever. Notwithstanding whereof, the Earl of Argyle, by this Paper, does invent a new way, whereby no man is at all bound to it. For how can any person be bound, if every man will only obey it as far as he can, and as far as he conceives it consistent with the Protestant Religion, and with it self, and reserve to himself, notwithstanding thereof, to make any alteration that he thinks consistent with his Loyalty? And therefore His Majesties Advocate desires to know, to what the Earl of Argyle, or any man else, can be bound by this *Test*? what the Magistrate can expect, or what way he can punish his Perjury? For if he be bound no farther than he himself can obey, or so far as this Oath is consistent with the Protestant Religion or it self, *quemodo constat*, to whom or what is he bound? And who can determine that? Or against what alteration is the Government secured, since he is Judge of his own alteration? So that that Oath, that was to be taken without any evasion, is evaded in every single word or Letter; and the Government as insecure as before the Act was made, because the taker is no farther bound than he pleases. From which it cannot be denied, but his Interpretation destroys not only this Act, but all Government, since it takes away the security of all Government, and makes every mans Conscience, under which Name there goes ordinarily in this Age Humour and Interest, to be the rule of the takers obedience. Nor can it be conceived to what purpose Laws but especially Oaths, needed to be made, if this were allowed; or how this cannot fall under the 197th. Act, *Par. 7. James 6.* whereby it is statuted, *That no man interpret the Statutes otherwise than the maker understood.* For what can be more contrary to the taking of them in the makers sense, than that every man should obey as far as they can, and be allowed to take them in a general sense, so far as they are consistent with themselves, and the Protestant Religion, without condescending wherein they do not agree with the Protestant Religion? and that they are not bound not to make any alteration which they think good for the States? For all these make the rule of obedience in the taker, whereas the positive Law makes it to be in the maker. Or how could they be punished for Perjury after this Oath? For when he were quarrelled for making alterations against this Oath; and so to be perjured, he might easily answer, That he took this Oath only in so far as it was consistent with the Protestant Religion, and with a *Salvo*, that he might make any alteration that he thought consistent with his Loyalty. And as to these Points, upon which he were to be quarrelled, he might say, he did not think them to be inconsistent with his Loyalty, think we what we pleased, and so needed not to be perjured, except he pleased



led to decide against himself, for in these Generals he reserves to himself to be still Judge. And this were indeed a fine security for any Government. And by the same rule that it looses this Oath, it shews a way of loosing all Oaths and Obedience, and consequently strikes at the root of all Laws, as well as this; whereas to shun all this, not only this excellent Statute 107. has secured all the rest, but this is common Reason: And in the opinion of all Divines, as well as Lawyers in all Nations, *Verba juramenti intelliguntur secundum mentem & intentionem ejus, cui fit juramentum.* Which is set down as the grand position, by *Sanderfon* (whom they cite) pag. 137. and is founded upon that Mother-Law, *Leg. 10. Cui interrogatus f.f. de interrogatoriis in Jure faciendis*, and without which no man can have sense of Government in his head, or practise it in any Nation. Whereas on the other hand there is no danger to any tender Conscience, since there was no force upon the Earl to take the Oath, but he took it for his own advantage, and might have abstained.

2. It is inferred from the above-written matter of Fact, That the Earl is clearly guilty of contravention of the 10. *Act, Parl. 10 James VI.* whereby the Leiges are commanded not to write any purpose of Reproach of His Majesties Government, or misconstrue his proceedings, whereby any misliking may be raised betwixt his Highness, his Nobility, or his people. And who can read this paper, without seeing the King and Parliament reproached openly in it? For who can hear, that the Oath is only taken as far as it is consistent with it self and the Protestant Religion, but must necessarily conclude, that in several things it is inconsistent with it self, and the Protestant Religion? For if it were not inconsistent with it self and the Protestant Religion, why this Clause at all but it might have been simply taken? For the only reason of hindering it to be taken simply, was because of the inconsistency: *ergo*, there behooved necessarily to be an inconsistency. And if there be any inconsistency with the Protestant Religion, or any contradiction in the Oath it self, can there be any thing a greater reproach on the Parliament, or a greater ground of mislike to the people? And whereas it is pretended, That all Laws and Subsumptions should be clear, and these are only inferences. It is answered, That there are some things which the Law can only forbid in general; and there are many inferences which are as strong and natural, and reproach as soon, or sooner, than the plainest defamations in the world do, for what is openly said of reproach to the King, does not wound him so much as many seditious insinuations have done in this Age and the last: So that whatever was the Earls design (albeit it is always conceived to be unkind to the *Act*, against which himself debated in Parliament) yet certainly the Law in such cases is only to consider what effect this may have amongst the people; and therefore the *Acts* of Parliament, that were to guard against the misconstruing of His Majesties Government, do not only speak of what was designed, but where a disliking may be caused, and so judgeth *ab effectu*: And, consequentially to the same emergent reason, it makes all things tending to the raising of dislike, to be punishable by the *Act 60. Parl. 6. Q. Mary*; and the *9. Act, Parl. 20. James VI.* So that the Law designed to deter all men by these indefinite and comprehensive expressions: And both in this and all the Laws of Leasing-making, the Judges are to consider what falls under these general and comprehensive words. Nor could the Law be more special here, since the makers of Reproach and Slander are so various that they could not be bound up, or express in any Law: But as it evidently appears, that no man can hear the words express, if he believe this paper, but he must think the Parliament has made a very ridiculous Oath, inconsistent with it self, and the Protestant Religion, the words allowing no other sense, and having that natural tendency; even as if a man would say, I love such a man only in so far as he is an honest man, he behooved certainly to conclude, that the man was not every way honest: So if your Lordships will take measures by other Parliaments, or your Predecessors, ye will clearly see, That they thought less than this a defaming of the Government, and misconstruing His Majesties proceedings. For in *Balmerino's* Case, the Justices find an humble Supplication made to the King himself to fall under these *Acts* now cited. Albeit as that was a Supplication, so it contained the greatest expressions of Loyalty, and offers of Life and Fortune that could be express, yet because it insinuates darkly, That the King in the preceding Parliament had not favoured the Protestant Religion, and they were sorry he should have taken Notes with his own hands of what they said, which seems to be most innocent, yet he was found guilty upon those same very *Acts*; And the Parliament 1661. found his Lordship himself guilty of Leasing-making, tho he had only written a Letter to a private Friend, which requires no great care nor observation, (but this paper which was to be a part of his own Oath does) because after he had spoken of the Parliament in the first part of this Letter, he thereafter added, *That the King would know their Tricks*; which words might be much more applicable to the private persons therein designed, than that the words now insisted on can be capable of any such Interpretation. And if either Interpretations, upon pretext of exonerating of Conscience, or otherwise, be allowed, a man may easily defame as much as he pleases. And have we not seen the King most defamed by Covenants entered into upon pretence to make him great and glorious, by Remon-

frances made to take away his Brother and best Friend, upon pretence of preserving the Protestant Religion, and his Sacred person? And did not all who rebelled against him in the last Age declare, That they thought themselves bound in duty to obey him, but still as far as that could consist with their respect to the Protestant Religion, and the Laws and Liberties, which made all the rest ineffectual? And whereas it is pretended, That by these words, *I take the same in as far as it is consistent with it self and the Protestant Religion*, nothing more is meant, but that he takes it as a true Protestant: His Majesties Advocate appeals to your Lordships, and all the Hearers, if upon hearing this expression they should take it in this sense, and not rather think that there is an inconsistency. For if that were possible to be the sense, what need he say at all, *As far as it is consistent with it self*? Nor had the other part, *As far as it is consistent with the Protestant Religion*, been necessary, for it is either consistent with the Protestant Religion, or otherwise they were Enemies to the Protestant Religion, that made it. Nor are any Lawyers or others in danger, by pleading or writing, for these are very different from, and may be very easily pleaded without defaming a Law, and an Oath, when they go to take it. But if any Lawyer should say, in pleading or writing, That the *Test* was inconsistent, or, which is all one, that it were not to be taken by any man, but so far as it was consistent with it self, and the Protestant Religion, no doubt this would be a crime even in pleading, tho pleading has a greater allowance than deliberate swearing has. And as there is nothing wherein there is not some inconvenience, so the inconvenience of defaming the Government is much greater than that of any private mans hazard, who needs not err except he please.

Whereas it is pretended, That before the Earl gave in this Explication, there were other Explications spread abroad, and Answers read to them in Council, and that the Council itself gave an Explication. It is answered, That if this paper be Leasing-making, or misconstruing His Majesties proceedings, and Treasonable, as is contended, then a thousand of the like offences cannot excuse it. And when the King accused Noblemen, Ministers, and others, in the year 1661. for going on in the Rebellions of that Age, first with the Covenanters, and then with the Usurpers, it was found no Defence, That the Nation was over-grown with those Crimes, and that they were thought to be duties in those days. Yea, this were to invite men to offend in multitudes. And albeit sometimes these who follow the examples of multitudes, may thereby pretend this as an excuse to many, yet this was never a formal defence against Guilt, nor was ever the chief of the Offenders favourable on that Head. And it is to be presumed, That the Earl of Argyle would rather be followed by others, than that he would follow any example. But His Majesties Advocate does absolutely decline to debate a point that may defame a constant and standing Act of Parliament, by leaving upon record a memory of its being opposed. Nor were this Relevant, except it could be said, the Council had allowed such Explications which reflected upon the King and the Government: For the writing an answer is no allowance, but a condemning: Nor can the Council allow any more than they can remit: And tho it may justly be denied that the Council heard even the Earls own Explanation, yet the hearing or allowing him to sit is no Relevant Plea, because they might very justly have taken a time to consider how far it was fit to accuse upon that Head. And it is both just and fit for the Council to take time, and by express Act of Parliament, the negligence of the King, Officers does not bind them. For if this were allowed, Leading men in the Council might commit what Crimes they pleased in the Council, which certainly the King may quarrel many years after. And tho all the Council had allowed him that day, any one Officer of State might have quarrelled it the next day. As to the Opinion of Bellarmine, Sanderfon, and others, it is ever contended, that the principles of the Covenant agree very well with those of the Jesuites, and both do still allow Equivocations and Evasions. But no solid, Orthodox Divine ever allowed, That a man who was to swear without any Evasion, should swear so as he is bound to nothing, as it is contended the Earl is not, for the Reasons represented. And as they still recommend, That when men are not clear they might abstain, as the Earl might have done in this case, so they still conclude, That men should tell in clear terms what the sense is by which they are to be bound to the State: Whereas the Earl here tells only in the general, and in most ambiguous terms, That he takes it as far as he can obey, and as far as it is consistent with the Protestant Religion, and that he takes it in his own sense, and that he is not bound by it from making alterations, but as far as he thinks it for the advantage of Church or State; which sense is a thousand times more doubtful than the *Test*, and is in effect nothing but what the taker pleases himself.

As to the Treason founded on, His Majesties Advocate founds it first upon the Fundamental and Common Laws of this and all Nations, whereby it is Treason for any man to make any alteration he shall think for the advantage of Church or State, which he hopes is a principle cannot be denied in the general. And whereas it is pretended, That this cannot be understood of mean alterations, and of alterations to be made in a lawful way: It is answered, That as the thing it self is Treason, so this Treason is not taken off by any of these qualifications, because he declares, he will wish and endeavour any alteration he thinks fit; and any

any alteration comprehends all alterations that he thinks fit : *Nam propositio indefinita æquipolet universalis*. And the word *any* is general in its own nature, and is in plain terms a reserving to himself to make alterations, both great and small. And the restriction is not, all alterations that the King shall think fit, or are consistent with the Laws and Acts of Parliament ; but he is still to be Judge of this, and his Loyalty is to be the Standard. Nor did the Covenanters in the last Age, nor do these who are daily executed, decline that they are bound to obey the King, simply, but only that they are bound to obey him no otherwise than as far as his Commands are consistent with the Law of God, of Nature, and of this Kingdom, and with the Covenant : And their Treason lies in this. And when it is asked them, Who shall be judge in this, they still make themselves Judges. And the reason of all Treason being, that the Government is not secure, it is desired to be known, what way the Government can be secured after this paper, since the Earl is still Judge how far he is obliged, and what is his Loyalty. And if this had been sufficient, the Covenant had been a very excellent paper, for they are there bound to endeavour, in their several stations, to defend the Kings person ; but when the King challenged them, how they came to make War against him, their great Refuge was, That they were themselves still Judges as to that. And for illustrating this power, the Lords of Justiciary are desired to consider, *Quid Juris*, if the Earl, or any man else, should have reserved to himself, in this Oath, a liberty to rise in Arms, or to oppose the lineal Succession, tho he had added, *In a lawful manner* : for the thing being in itself unlawful, this is but sham, and *Protestatio contraria facto*. And if these be unlawful, notwithstanding of such additions, so much more must this general reservation, of making any alterations, likewise be unlawful, notwithstanding of these additions. For he that reserves the general power of making any alteration, does, *a fortiori*, reserve power to make any alteration tho never so fundamental. For all particulars are included in the General ; and whatever may be said against the particulars, may much more strongly be said against the general.

2. The 130. Act, Par. 8. James VI. is expressly founded on because nothing can be a greater diminution of the power of the Parliament, than to introduce a way or means whereby all their Acts and Oaths shall be made insignificant and ineffectual, as this paper does make them, for the Reasons represented. Nor are any of the Estates of Parliament secure at this rate, but that they who reserved a general power to make all alterations, may, under that general, come to alter any of them.

3. What can be a greater impugning of the Dignity and Authority of Parliaments, than to say, That the Parliament has made Acts for the security of the Kingdom, which are in themselves ridiculous, inconsistent with themselves and the Protestant Religion ?

And as to what is answered against invading the Kings Prerogative, and the Legislative power in Parliaments, in adding a part to an Oath or Act, is not relevantly inferred, since the sense of these words, *And this I understand as a part of my Oath*, is not to be understood as if any thing were to be added to the Law, but only to the Oath, and to be an interpretation of the Oath. It is replied, That after this, no man needs to add a Caution to the Oath in Parliament. But when he comes to take the Oath, do the Parliament what they please, he will add his own part. Nor can this part be looked upon as a sense, for it this were the sense before this paper, he needed not understand it as a part of it, for it wanted not that part. And in general, as every man may add his own part, so the King can be secure of no part. But your Lordships of Justiciary are desired to consider, how dangerous it would be in this Kingdom, and how ill it would sound in any other Kingdom, That men should be allowed to reserve to themselves liberty to make any alteration they thought fit in Church or State, as to the legality of which, they were themselves to be Judges ; and how far, from degree to degree, this at last may come to absolute Anarchy, and how scandalous a thing, as well as unsecure, this new way may look in an Age wherein we are too much tracing the steps of our rebellious Progenitors in the last, whose great defection and error was, That they thought themselves, and not the King, the Authors of Reformation in Church and State. And no man ever was barred by that, that the way he was upon was not a lawful way ; for if it be allowed to every man to take his own way, every man will think his own way to be the lawful way.

As to the Perjury, it is founded on this, First, That Perjury may be committed, not only by breaking an Oath, but even in the swearing of it, *viz.* To swear it with such Evasions as make the Oath ineffectual ; for which *Sanderſon* is cited, pag. 138. *Alterum Perjurii genus est novo aliquo excogitato Commento Juramenti vim declinare, aut eludere, & Jurans tenetur sub pena Perjurii implere Secundum Intentionem deferentis* ; both which are here. For the Earl being bound by the very Oath, to swear in the genuine meaning, without any evasion, he has sworn so as he has evaded every word, there being not one word to which it can be said particularly he is bound, as is said. And it is undeniable, that he has not sworn in the sense of the makers of the Law, but in his own sense, which is Perjury, as is said. And consequently, whatever sense may be allowed in ambiguous Cases, yet there can be none where the



Paper clearly bears Generals : And where he declares, That he takes it in his own sense, His Majesties Advocate declares, he will not burden himself, that Copies were dispersed, tho it is certain, since the very Paper it self by the giving in is chargeable with all that is above charged upon it.

*Sir John Dalrymple's Defence and Plea for the Earl of Argyle,  
by way of Reply upon the King's Advocate.*

**S**IR *John Dalrymple* replies for the Pannel, That since the solid grounds of Law adduced in the Defences have received no particular Answers, in relation to the common consent of all Casuists, *viz.* That a party who takes an Oath is bound in Conscience to clear and propose the terms and sense in which he does understand the Oath ; Nor in relation to the several Grounds adduced concerning the legal and rational Interpretation of dubious Clauses, And since these have received no Answers, the Grounds are not to be repeated : but the Proctors for the Pannel do farther insist on these Defences.

1. It is not alledged, That any Explanation was given in by the Pannel to any person, or any Copy spread, before the Pannel did take the *Test* in Council : So that it cannot be pretended, That the many Scruples that have been moved concerning the *Test*, did arise from the Pannel's Explication : But on the contrary, all the Objections that are answered, and obviated in the Pannel's Explication, were not only privately muttered, or were the thoughts of single or illiterate persons, but they were the difficulties proposed by Synods and Presbyteries, long before the Pannel came from home, or was required to take the *Test* : So that the general terms of the Acts of Parliament founded upon in the Libel are not applicable to this Case : For as these Laws, in relation to Leasing-makers, are only relative to atrocious wilful Insinuations, or misconstructions of His Majesties Person or Government, or the open depraving of his Laws, so the restrictive Cause, *whereby sedition or misconstructions may be moved, raised, or engendered betwixt His Majesty and his Liedges*, cannot be applied to this Case, where all these Apprehensions and Scruples were on foot, and agitated long before the Pannel's Explication.

As it cannot be pretended, That any new dust was raised by the Pannel's Explication, so it is positively offered to be proved, That there is not one word contained in this Explication, but that either these individual words, or much worse, had been publicly proposed, and *verbatim* read in Council, without the least discouragement, or the least objection made by any Member of the Council. And where a Writing, *ex proposito* read in so high a Court, was universally agreed upon, without the alteration of a Syllable, how can it be pretended, That any person thereafter using the said individual terms in any Explication, and far easier terms, that they shall incur the high and infamous Crimes libelled ? And the question is not here, Whether the Council was a proper Judicature to have proposed, or imposed a sense, or allowed any Explication of the *Test* to be published ; but that it is impossible that a sense they allowed, or being publicly read before them, and which the Kings Advocate did not controul, that this should import Treason, or any Crime : And tho the Pannels Advocate will not pursue or follow the Reply that has been made to this point, yet certainly no man of sober sense will think that it is fit to insinuate that so high a Judicature might have authorized or acquiesced in such Explanations as the Liedges thereafter should be entrapped to have used.

If the Pannel had officiously or ulteroneously offered a sense or Explication of His Majesties Laws, which the Laws themselves could not have born, it might justly have been alledged, that he was *extra ordinem*, and meddling in a matter he was not concerned in, but where the Act of Council did enjoin, and he was required and cited to that effect, It could neither be constructed as ostentation, or to move or encourage Scruples or Resistance, but it was absolutely necessary, either for to have refused the *Test*, or else to have declared what he thought to be the true and genuine meaning of it. And there being so many objections publicly moved and known, his Explication was nothing else but to clear, That he did not look upon these Scruples and Objections moved by others as well founded and rational in themselves ; and therefore he was able to take the *Test* in that sense the Council had heard or allowed. And it is not controverted, that the sense of the Legislator is the genuine sense both of Laws and Oaths : And if a person were only interpreting the meaning of either a Law or an Oath imposed, he should deprave and misconstrue the Law and Oath, if he rendered it wittingly and willingly in terms inconsistent with the meaning of the imposer : But there is a great difference betwixt taking of Oaths, and interpreting Oaths : For when a man comes to take an Oath, except his particular sense did agree with the genuine meaning of the imposer, he cannot take that Oath, tho he may very well interpret

pret and declare what is the sense of the Legislator, which he may know, and yet perhaps not be able to take the Oath:

And therefore when there is any doubtfulness in an Oath, and a party is bound to take it, if then he gives in an Explication of the sense which in his private judgment doth apprehend to be the genuine meaning, if that private sense be disconform to the Legislators sense in the Oath, then the Imposer of the Oath, or he that has power to offer it to the party, if he consider the parties sense disconform, he ought to reject the Oath, as not fulfilling the intent of the Law imposing it.

But it is impossible to state that as a Crime, That a party should neither believe what is proposed in the Oath, nor be able to take it; And he can run no farther hazard, but the penalty imposed upon the Refuser. And therefore in all Oaths there must be a concurrence both of the sense imposed by Authority, and of the private Sense, Judgment or Conscience of the party. And therefore if a party should take an Oath in the Sense proposed by Authority contrary to his own sense, he were perjured: whereby it is evident that the sense of Authority is not sufficient, without the acquiescence and consent of the private person. And therefore it is very strange, why that part of the Pannel's Explanation should be challenged; that he takes it in his own Sense, the *posterior* words making it as plain as the light, that that sense of his own is not what he pleases to make of the Oath, for it bears expressly; that no body can explain it but for himself, and reconcile it as it is genuine, and agrees in its own sense: So that there must be a Reconciliation bewixt his own sense and the genuine sense, which upon all hands is acknowledged to be the Sense of Authority. And if the Pannel had been of these lax and debauched Principles, that he might have evaded the meaning and energy of the Oath, by imposing upon it what sense he pleased, certainly he would have contented himself in the general refuge of Equivocation, or Mental Reservation, and he would never have exposed his sense to the world, in which he took this Oath, whereby he became absolutely fixed and determined to the Oath, in that particular sense, and so had no latitude of shuffling off the Energy or Obligation of the Oath. And it is likewise acknowledged, That the Cases alledged in the Reply are true, *viz.* That the person is guilty of Perjury, *si aliquo novo Commento* he would elude his Oath, or who doth not fulfil the Oath in the sense of the Imposer. But that does not concern this Case: For in the foresaid Citation, a person, after he has taken an Oath, finding out some new conceit to elude it he is perjured: but in this Case the Pannel did at, and before his taking the *Test*, declare the terms in which he understood it; So that this was not *novo aliquo commento* to elude it. And the other Case, where a party takes it in the sense of Authority, but has some subterfuge, or concealed Explanation, it is acknowledged to be Perjury. But in this Case there was no concealed Explanation, but it was publicly exprest, and an Explanation given; which the Pannel designed, and understood as the meaning of Authority, and had ground to believe he was not mistaken, since upon that Explanation he was received and allowed to sit and vote in Council.

And as to that part of the Reply, that explains the Treason, there can be no Treason in the Pannel's Case, because the express Act of Parliament founded upon doth relate only to the Constitution of the Parliament: And I am sure His Majesties Advocate cannot subsume in the terms: And therefore in the Reply he recurs to the general Grounds of the Law, That the usurping of His Majesties Authority, in making a part of the Law; and to make alterations in general, and without the King, are high and treasonable words or designs, and such as the party pleases, and such designs as have been practised the late times. And that even the adjection of fair and safe words, as in the Covenant, does not secure from treasonable Designs; and that it was so found in *Balmerino's Case*, tho it bear a fair Narrative of an humble Supplication.

It is replied, That the usurpation of making of Laws is undoubtedly treasonable; but no such thing can be pretended or subsumed in this Case: For albeit the Pannel declares his explanation to be a part of his Oath, yet he never meant to impose it as even a part of the Law, or that his Explanation should be a thing distinct, or a separate part of his Oath. For this Explanation being but *exegetick* of the several parts of the Oath, it is no distinct thing from the Oath, but declared to be a part of the Oath *de natura rei*. And it was never pretended, That he that alledged any thing to be *de natura rei*, did say, That that was distinct and separate, which were a contradiction. And therefore the Argument is retorted, the Pannel having declared, this Explanation was, *de natura rei*, implied in the Oath, he necessarily made this Explanation no addition or extension of the Oath. So that for all this Explanation, the Oath is neither broader nor longer than it was.

And as to these words, *I do not mean to bind up myself in my station, and in a lawful way, to wish and endeavour any alteration I think to the advantage of Church or State, not repugnant to the Protestant Religion, and my Loyalty.* It is a strange thing how this Clause can be drawn in question, as treasonable, when it may with better Reason be alledged, That there is not good Subject but is bound to say it. And albeit the words *to endeavour in my station*, be words

contained in the Covenant, yet that is no Reason, why two words in the Covenant may not be made use of in another very good and loyal sense. And there is no man that shall have the honour either to be entrusted by His Majesty in his Council, or any other Judicature, or to be a Member of Parliament, but he is bound by his Loyalty to say the same thing. And there was never a Clause more cautiously express'd, for the words run, *to endeavour any alteration I shall think to the advantage of Church and State*. And tho' that was sufficient, yet the Clause is so cautiously conceived, that it contains another Restriction, *not repugnant to Religion and his Loyalty*. So that except it could be alledged, That a man by lawful means, to the advantage of Church and State, consistent with his Religion and Loyalty, could make unreasonable alterations, and invasions upon the Government and Monarchy, which are the highest Contradictions imaginable, there can be nothing against the Pannel. And albeit, the Clause, *any alterations*, might, without the Restrictions and Qualifications foresaid, be generally extended, yet the preceding words of *lawful way*, and the rational Interpretation of the emission of words especially before a solemn Judicatory, leaves no place or shadow to doubt, that these alterations were no fundamental or treasonable alterations, but such as the frailty of humane Affairs and Constitutions, and vicissitude of things and circumstances do constantly require in the most exact Constitutions under Heaven. And the clause does not so much as import, that there is a present necessity of alteration, but it was a necessary and rational prospect, That albeit at present all things under Heaven had been done to secure the Religion and Government, yet there might occur Cases that would require new helps, alterations, and remedies. And it is not pretended in this Case for the Pannel, That he desires to alleviate, or take off words truly treasonable, or having an ill design, by the mixing of fair and safe, dutiful and submissive Expressions, which indeed are *Protestations contrarie facto*. For there is nothing in his Explanation, that either in his design, or in the words themselves, being rationally and naturally interpreted, can infer the Crimes libell'd, or any of them. And the Pannel's known Principles, and known Practices do not only clear that Loyalty that he has profess'd before the Lords of Justiciary, and instructed by unquestionable Documents, but they put him far from the suspicion of these damnable Principles related in the Reply, Of which the whole tract of his Life hath been an intire evidence of his *abhorrence* and *detestation*. And in the last place, It is thought strange, why that should be represented as an affront or disgrace to the Government, That the Parliament imposed a *Test* which the Pannel is not able to take simply. And it is not pretended, That he hath defamed, written or spoken against the *Test* it self, or for the inconvenience of it; but only that he hath not been able to see the good ground upon which it may be simply taken. And this were to condemn him for want of sight or sense, when the Law hath punished no man for not taking the *Test*, but only turned him out of the Government. And it is as strange an Inference, That because the Pannel declares, He believes the Parliament meant no Contradiction and would take the *Test*, in as far as it is consistent, that therefore he said, the Parliament imposed Contradictions: Which is so far from a rational Induction, that the Contradiction of these Subsumptions, in all congruity of Language and Sense, is necessarily true. And therefore the last part of that Clause, *in so far as it is consistent*, is a Consequence inferred upon the former: *viz.* I believe the Parliament designed to impose no Contradictions: *ergo*, I take the *Test* as consistent, and in so far as it must be consistent, if the Parliament did not impose Contradictions, as certainly they have not; and to convince the world, that in this sense this Explanation is receivable, it was propos'd in Council, and allowed, and therefore without the highest reflection, it cannot now be quarrell'd.

*Sir George Lockhart's second Plea for the Earl of Argyle, by way  
of Reply upon the King's Advocate.*

**S**IR George Lockhart Duplies, That the Defender repeats and opposes his former Defences, which are no ways eluded, nor satisfied by the Reply made by His Majesties Advocate. And altho' it be easie for the Kings Advocate, out of his zeal, to pretend and argue Crimes of the highest Nature upon Inferences and Consequences neither consistent with the Pannel's designs nor with his words and expressions, yet there cannot be a more dangerous foundation laid, for the security and interest of the Government, and the security and protection of the Subjects, than that Crimes should be inferred but from clear, evident, and express Laws, and plain palpable Contravention of these Laws, it being both against the Laws of God and Man, that a Man should be made an Offender for a word, and especially for expressions which according to Sense and Reason, and considering the time and place where they were spoken by the Pannel. *viz.* as a Member of His Majesties Privy-Council, and



and in presence of his Royal Highness, and the Members of Council, and when required to take the *Test*, were safe and Innocent: and it were against all Law and Reason, to suppose that the Pannel either did, or designed to do any thing which may, or did import the Crimes libelled against him. And whereas it is pretended, That the Oath required and imposed by Act of Parliament was for the security of the Government, and that the Pannel by his Explanation does evade the Oath, by taking it only so far as it is consistent with the Protestant Religion, and his own Loyalty, whereof he was Judge: It is answered, That the pretence is most unwarrantable, and the security of His Majesties Government is not at all endangered (as God forbid it should,) tho the Pannel, and a Thousand more had simply refused the *Test*, or had taken it in a sense which does not satisfy the Law: it being competent to publick Authority to consider, whether the Pannels Oath, in the terms of the Explanation wherein he did take it, does satisfy the Act of Parliament or not: And if not, there can be no rational consequence inferred thereupon, but that he is holden as a Refuser of the Oath, and liable to the Certification of the Act of Parliament, of not assuming and continuing in any publick Trust: And no more was intended or designed by the Act of Parliament it self, than strictly to make the Oath in the true and genuine sense and meaning of the Parliament, an indispensable qualification of persons admitted to publick Trust: So that it is not at all material to dispute, whether the Pannels Explanation can be looked upon as a full satisfaction of the Act, which whether it should or not, it can import no Crime against him, it not being consistent with Sense and Reason, that a person who absolutely refused the *Test*, upon the scrupulosity of his Conscience, albeit he be not capable of publick Trust, should be, notwithstanding, looked upon as guilty of no Crime: and yet another who was willing to go to a greater length, albeit he did demur and scruple as to the full length, that he should be reputed criminal and guilty of a Crime.

2. The Pannel repeats and conjoins with this the grounds above mentioned, contained in his Defences; *viz.* That neither the Crimes libelled, nor any other Crime, were ever pretended or made use of against any others, who did spread abroad Objections of an high nature which yet were so favourably looked upon, as to be construed only to proceed from scrupulosity of Conscience, as also the satisfaction endeavoured is in such terms, and by such considerations, as do take in, and justify the whole terms of the Explanation libelled.

It is of great moment, and whereof the Lords of Justiciary are desired to take special notice, both for clearing the absolute innocence of the Pannels meaning and intention, and to take off all possible misconstruction that can be wrested or detorted from the tenor and expressions of the libelled Explanation. That the Pannel was put to, and required to take the Oath, before the Lords of His Majesties Privy-Council did pass and publish their Proclamation explaining the Oath, and declaring the genuine sense and meaning thereof, namely, That it did not tie to the whole Articles of the *Confession of Faith*, ratified by Act of Parliament, *James 6.* and which, as to several Articles thereof, had occasioned the scruples, and difficulties, and alleged inconsistency and contradiction betwixt the last part of the Oath and the said *Confession*, and betwixt some of these Articles, and the Currant of the Protestant Doctrine, received and contained in the *Syntagma* of the Protestant Confessions. And therefore it the Pannel at that time did think fit, for the clearing and exoneration of his own Conscience, to use the expressions in the Explanation libelled, and yet with so much duty and confidence of the Parliaments Justice, as to their meaning and intention, *That the Parliament were intended to impose contradictory Oaths*; and that he did take it so far as it was consistent with it self, and the Protestant Religion, not knowing then, whether the whole *Confession* was to be reputed a part of the Oath, and doubting there-ant; and which the Lords of His Majesties Privy-Council and his Sacred Majesty by his approbation since, have thought a difficulty of so great moment as it was fit to clear the same by a publick Proclamation; How now is it possible, that any Judicatory under Heaven, which proceeds upon the solid grounds of Law and Reason, and who (it cannot be doubted) will have a just regard to the intrinsic Principles of Justice, and to all mens security; that they can now believe all, or any of the Crimes libelled, should be in the least inferred from all, or any of the expressions contained in the said Explanation? But that on the contrary it was a warrantable allowance, and Christian practice, condemned by the Law and Custom of no Nation, That having scruples in the matter of an Oath which should be taken in *Truth, Judgment and Righteousness*, and upon full deliberation, and with a full assurance and sincerity of mind, That he did plainly, openly, and clearly declare the sense in which he was willing to take it; and if Authority did allow it as the genuine sense of the Oath, the Pannel to be holden as a Taker of the Oath: And if upon farther consideration, Authority think not, that *habetur pro Recusante*, and a Refuser of the Oath, but no ways to be looked upon as a criminal or guilty person.

And the Pannel repeats and conjoins with this point of the Reply, that point in his Defence, whereby he positively offers to prove, 1. That his Explanation, and the sense wherein he took the Oath, was heard, and publickly given and received in Council, and the Pannel thereafter allowed to take his place, and sit and vote in that *Sederunt*.

2. The Pannel also offers positively to prove, That the tenor and terms of his Sense and Explication wherein he did take the Oath, is contained in that Solid, Learned, and Pious Vindication, written by the Bishop of *Edinburgh*, in answer to the Objections and alledged inconsistencies and contradictions in the Oath, and which Vindication was publickly read in Council; and so far approved, that it was allowed to be printed and published, and was accordingly dispersed and spread abroad. And it is not of the least import, that the Proclamation of the Lords of Privy-Council, altho it does oft allow the same to be taken by the Clergy, yet at the same time they expressly declare the genuine sense and meaning of the Parliament not to comprehend the whole Articles of the *Confession*, which was not cleared before the Pannel's taking his Oath.

And whereas it is pretended, That the Acts of Parliament libelled upon, against Leasing-makers, depravers of His Majesties Laws, do obtain and take place, where-ever there are any words or expressions that have a tendency in themselves, or by a natural consequence, and rational inferences, to reflect upon the Government, or misconstrue His Majesties Proceedings; and that the Explication libelled is such, and that it was found so in the Case of *Balmerino*, albeit it was drawn up by way of humble Petition and Address to His Majesty, and with great Protestations and Expressions of Loyalty. It is answered, The Acts of Parliament libelled upon are oponed, and the 43<sup>d</sup>. *Art. Par. 8. James 6.* and the other Acts, making the depraving of His Majesties Laws to be Crimes, do expressly require, that Speeches so judged be perverse & licentious Speeches *ex natura sua probrosa* and reproachful, and spoke *animus defamandi*, and which could not receive any other rational Construction, which cannot in the least be applied to, or subsumed upon the words, or Explication given in by the Pannel. And Law and Reason never infers or presumes a Crime, where the thing is capable of a fair and rational Construction, and where it was done *palam* and publickly, and in presence of His Majesties High Commissioner, and Lords of His Majesties Privy-Council, whereof the Pannel had the honour to be a Member: Persons committing and designing to commit Crimes, making use of Times, and Places, and Companies of another nature, on whom their suggestions and insinuations may prevail. But it is a violence to the common Reason of mankind, to pretend, that a person of the Pannel's Quality, having the honour to serve His Majesty in most eminent Capacities, and devoted to His Majesties Interest and Service, beyond the strictest ties of Duty and Allegiance, by the transcendent Favours he had received, that the Pannel in those Circumstances, and in presence of his Royal Highness and Lords of Privy Council, should design to declame, and *defacto*, declame against, and defame His Majesties Government: To suppose this is absolutely contradictory to the common Principles and Practices of Law, and common Topicks of Reason.

And as to *Balmerino's* Case, it is answered, That the Lords of Justiciary are humbly desired to call for, and peruse the said Petition, and Books of Adjournal, which was certainly a defamatory Libel of His Majesties Father, of blessed Memory, and of the States of Parliament in the highest degree, being expressly, that there was nothing designed but an innovation of the Protestant Religion, and the subversion and over-turning the Liberties and Privileges of the Parliament, and the Constitutions of the Articles, and other things of that kind, which made certainly of it self a most villanous and execrable Libel, containing the highest Crimes of *Treason* and *Perduellion*, and was not capable of any good sense or interpretation, but was absolutely pernicious and destructive: So that it is in vain to pretend, that the said Libel did contain Prefaces and Protestations of Loyalty, which no Law regards, even in *simplici injuria & maledicto*, tho committed by a private person, *cum praefatione salvo honore*, or the like, and which were certainly ridiculous to sustain in a Libel concerning Crimes of *Treason*.

And whereas it is pretended, That tho others were guilty of these Crimes, it does not excuse the Earl: that the Lords of Privy-Council cannot remit Crimes; and the negligence of the Kings Officers cannot prejudg his Interest. It is answered, The Pannel is very confident, that neither the Lords of His Majesties Privy-Council, consisting of persons of eminent Loyalty and Judgment, nor His Majesties Officers, were capable of any such escape as is pretended: and if the tenor of the Pannel's Explication did in the least import the high and infamous Crimes libelled, as beyond all peradventure it does not, it were strange, how the same being contained in the aforesaid Vindication, and the whole Clauses thereof justified, that this should have been looked on as no Crime, and allowed to be published. And the Pannel neither does, nor needs to make farther use thereof, but to convince all disinterested persons, that his Explication can import no Crime.

And whereas it is pretended, That the Crime of *Treason* is inferred from the fundamental Laws of the Kingdom, and from that Clause of the Pannel's Explication, whereby he declares, he is *not bound up by any thing in this Oath not to endeavour any alteration in a lawful way*: which being an indefinite proposition is equipollent to an universal, and is upon the matter coincident with a Clause which was rebellious in its consequences contained in the Solemn League and Covenant. It is answered, That it is strange, how such a plain and innocent Clause, whereby, beyond all question, he does express no more than was naturally im-

port the Crime of Treason, which no Lawyer ever allowed except where it was founded upon express Law & *Luce Meridiana Clarior*: And indeed if such stretches and inferences can make men guilty of Treason no man can be secure. And the words in the Pannel's Declaration are plain and clear (yet *non sunt cavillanda*) and import no more, but that, in his station, and in a lawful way, and consistent with the Protestant Religion, and his Loyalty, he might endeavour any alteration to the advantage of Church and State. And was there ever any loyal or rational Subject, that does, or can doubt, that this is the natural import of the Oath? And indeed it were a strange Oath, if it were capable of another sense, and being designed for the security of the Government, should bind up mens hands to concur for its advantage. And how was it possible, that the Pannel, or any other in the capacity of a Privy-Councillor, or a Member of the Parliament, would have satisfied his Duty and Allegiance in other terms? And whereas it is pretended that there was the like case in the pretended League and Covenant, it is answered, The Assertion is evidently a Mistake; and tho it were, the Argument is altogether inconsequential: For that League and Covenant was treasonable in it self, as being a Combination entered into without His Majesties Authority, and was treasonable in the glosses that were put upon it, and was imposed by absolute violence on the Subjects of this Kingdom. And how can the Pannel be in the least supposed to have had any respect to the said League and Covenant, when he had so often taken the Declaration, disowning and renouncing it, as an unlawful and sinful Oath, and concurred in the many excellent Laws and Acts of Parliament made by His Majesty, condemning the same as seditious and treasonable? And whereas it is pretended. That the Pannel is guilty of Perjury, having taken the Oath in another sense than was consistent with the genuine sense of the Parliament, and that by the Authority cited he doth *commento eludere Juramentum*, which ought always to be taken in the sense of him that imposeth the Oath: It is answered, The Pretence is most groundless, and Perjury never was, nor can be inferred, but by the commission, or omission of something directly contrary to the Oath. And altho it is true, That where an Oath is taken, without any Declaration of the express sense of the persons who take it, it obliges *sub pena Perjurii*, in the sense, not of the taker, but of the imposer of the Oath, because expressing no Sense, Law and Reason presumes there is a full acquiescence in the sense and meaning of the imposer of the Oath: and then if an Oath be not so taken, he that takes it is guilty of Perjury. Yet there was never Lawyer nor Divine, Popish or Protestant, but agree in this, That whatever be the tenor of the Oath, if before the taking thereof, the party in express terms does publickly and openly declare the sense in which he takes it, it is impossible it can infer the Crime of Perjury against him in any other sense, this not being *Commentum excogitatum*, after the taking of the Oath. And if this were not so, how is it possible in Sense and Reason, that ever any Explication or Sense could solve the Scruples of a mans Conscience? For it might be always pretended, That notwithstanding of the express sense wherein he took it, he should be guilty of Perjury from another sense. And that this is the irrefragable opinion of all Divines, of whatever persuasion, is not only clear from the Authority above-mentioned, even those who allow of reserved senses, but more especially by the universal suffrage of all Protestant Divines, who tho they do abominate all thoughts of Subterfuges or Evasions, after taking of the Oath, yet they do always allow and advise for the safety and security of a doubting and scrupulous Conscience, that they should express and declare, before the taking of the Oath, the true sense and meaning wherein they have freedom to take it: and for which *Sanderfons de Juramento* is cited, *Præf. 6. Sect. 10. pag. 75.* where his words are, *Same ut inter Jurandum omnia recte fiant, expedit ut de verborum sensu inter omnes partes quarum interest liquido constet, quod veteribus dictum, liquido Jurare.* And an Oath being one of the highest Acts of Devotion, containing *Cultum Latris*, there is nothing more consonant to the Nature of all Oaths, and to that Candor, Ingenuity, and Christian simplicity, which all Law and Religion requires in such cases.



*The Kings Advocate's Third Plea against the Earl of Argyle.*

**H**IS Majesties Advocate conceives he has nothing to answer as to depraving, Leasing-making, and mis-interpreting, &c. save that this Oath was only designed to exclude Recusants; and consequently, the *Pannel* may thereby be debarred from his Offices, but not made guilty of a Crime. To which he Triplics, 1. If ever the Earl had simply refused, that had been true, but that did not at all excuse from defaming the Law, for a defamer is not punished for refusing, but for defaming.

2. If he had simply refused, the Government had been in no more hazard, but if men will both retain their places, and yet take the same in such words as secure not the Government, it were strange to think, that the design of the Law being to secure against men possessing who will not obey, that yet it should allow them possession who do not obey. Nor is the refuser here in a better case than the Earl, and others, who offered to obey, because it is the defaming the Law, as ridiculous, and inconsistent with that Protestant Religion: and Leasing-making betwixt the King, the Nobility, and the people, the misconstruing, and misrepresenting, as hath been formerly urged, that puts the Earl in a worse condition. And all those arguments might be as well urged for any who had uncontrovertedly contravened these Acts, as for the *Pannel*.

Whereas it is pretended, That the King emitted a Proclamation to satisfie Dissenters; it is answered, That the Proclamation was designed for none who had been Members of Parliament, and so should have known the sense; but it was designed for meer ignorants, not for such as had defamed the Law, which is still here charged upon the *Pannel*.

As to the Article of Treason, it is conceived, That it is unanswerably founded upon the Common Law, discharging all men to make alteration of the Government; as to which there needs no express Statute, that being the very essence of Government, and needing no Laws. Like as it falls positively under all the Laws that discharge the assuming the Royal or Legislative power, for to alter the Government, is inseparably united to the Crown. Like as the Subsumption is as clear, the express words not bearing, That the Earl reserves to himself a power to propose to His Majesty any alterations, or to concur to serve His Majesty in making alterations; but owning in most general and arbitrary terms, to wish and endeavour any alteration he should think fit for the advantage of Church or State, and not determining any thing that could bind him otherwise than according to his own pleasure, for the word (*lawful*) is still subjected to himself, and has subjoyned to it, *as he should think fit*, which governs the whole proposition; and in that sense, and as the words are here set down, the greatest Rebel in *Scotland* will subscribe that Explanation, for there is no man but will restrict himself to a lawful obedience, provided he be Judge of the lawfulness. And seeing all Oaths proposed for the security of Government, require a certain depending upon the Legislator, and not upon the Taker, it is impossible that that end could be attained by any qualification, how special soever, which is made to depend absolutely upon the Taker, and not upon the Legislator. And we have often seen, how little security there is in those specious words, the very Covenant it self having not only the very words above-repeated, but attesting all the world to be witnesses to their Loyalty and Sincerity. And as to the former instances, *viz.* Rising in Arms, or opposing the lawful Successor, there is no Covenanter in *Scotland*, but will say, he will do neither, but in a lawful way, and in his station, and in a way consistent with his Loyalty, for a man were mad to say otherwise; but yet when they come to explain this, they will only do it as they think fit, and will be Judges themselves, and then will tell us, That defensive Arms are lawful, and that no Popish Successor should succeed, nor no Successor unless he subscribe the Covenant. And whereas it is pretended, That no clause in the *Test* does exclude a man from making alterations, it is answered, That the alterations which the *Test* allows are none at all but in subordination to Authority. And as to the two points above mentioned, it excludes all alterations as to these points. And as to the making fundamental alterations, this reservation allows to make any alteration, and consequently fundamental alterations; to preclude which Libertinism, this excellent Law was invented.

Whereas it is pretended, That the *Pannel* designs not to add any thing as a part of the Law, but as a part of his Oath, it is duplied, Since the Oath is a part of the Law, who ever adds to the Oath, adds to the Law.

Whereas it is pretended, That the Crime of Perjury cannot be inferred here, because all Divines allow, That the Taker of an Oath is still allowed to declare in what sense he takes the Oath; and that this is clear from *Sanderfon*, p. 175. It is triplicd, That where there

there are two dubious senses, Lawyers and Divines allow. That the taker should clear himself, which of the two he should take; which is very just, because to which soever of the two he determines himself, the Legislator in that case is sure of him. But here it is not pretended, That there are two senses; nor does the Pannel declare in which of the two he takes it, or in what clear sense at all he takes it, which is indeed *liquido Jurare*. But here the Pannel neither condescends, what particular clause of the Test is unclear; nor after he has condescended upon the Articles, does he condescend upon the sense, but in general mysterious words, where he can neither be followed, or found out, he only takes it in so far as it is consistent with it self, and the Protestant Religion, reserving the squaring all by his own Loyalty, as he did in the beginning declare, That he took it in his own sense, by which general sense, neither is the Government secure of any thing it does enjoyn, nor could he be punished if he transgressed. Nor can it be doubted, but Perjury may be inferred by any equivocal or evading sense, *inter Jurandum*, as well as by breaking an Oath afterwards; which is very clear from *Sanderfon*, p. 138. The words whercof are *alterum perjurii genus est inter Jurandum detorquere verba*; and which is farther clear by the 28. page, but above all, from the principles of Reason, and the necessity of Commerce and Government: For if men may adhibit such glosses, even whilst they swear, as may make the Oath useless, what way will either Government or Commerce be maintained? And he deceives as much that deceives in swearing *salvis verbis*, as he who after he has sworn, does break the Oath. Nay, and more too, because the breaking may come from forgetfulness, or other accidents, but the evading by general Clauses, which bind no man, does from the first instance originally make all Oaths useless and dangerous, and that this interpretation eludes the Oath absolutely, is very clear from what hath been formerly debated. For it may be argued, That the Earl broke the Oath in so far, as the first day he swears the Oath, which bears to be without any evasion (and must be so, notwithstanding of whatever he could say:) And the next day he gives in this evasion, which is a down-right violation of that Oath, and inconsistent with it. Nor was this Oath forced, but voluntarily emitted, to keep his own places. And it was the greater Crime that it was done in the Council, because that was to make it the more publick, and consequently, the more to misrepresent the Government.

After this debate, which, according to the custom of the Court, was *verbatim* dictated by the Advocates of either side, and written by the Clerk; and so took up much time; and the Court having sate, at least twelve hours, without intermission, it adjourned till the next day, being *Tuesday* the 13<sup>th</sup>. of *December*, at Two of the Clock in the Afternoon: And then the Earl being again brought to the Bar, the following *Interloquoutour* (that is Judgment and Sentence) of the *Lords of Justiciary*, on the foregoing debate, was read, and pronounced in open Court.

Edinburgh, December 12. 1681.

### The Interloquoutour of the Lords of Justiciary.

THE Lords, Justice General, and Commissioners of the Justiciary, having considered the Libel and Debate, they sustain the defence proponed for the Earl of Argyle, the Pannel, in relation to the perjury Libelled, *viz.* That he emitted this Explanation at, or before his taking the Test, first before his Royal Highness, His Majesties High Commissioner, and the Lords of His Majesties Privy Council, relevant, to elude that Article of the Libel.

The Lords sustain the Libel, as being founded upon the Common Law, and Explanation Libelled, and upon *Act 130. Parl. 8. James VI.* to infer the pain of Treason.

They likewise sustain the Libel, as founded upon the 10. *Act Parl. 10. James VI.* to infer the pain of Death; and likewise sustain that part of the Libel anent *Leasing making*, and *Leasing-telling*, to infer the particular pains mentioned in the several Acts Libelled.

And repel the whole other defences, *duplies*, and *quadruplies*, and remits the Libel, with the defences anent the Perjury, to the knowledge of an Assize.

Thereafter the *Affize*, that is the *Jury*, being constitute and sworn, *viz.*

### List of the Assizers.

*Marquis Montrose,*  
*E. Middleton,*  
*E. Airlie,*  
*E. Perth, P. Cr.*  
*E. Dalhousie,*

*E. Roxburgh, P. C.*  
*E. Dumfries,*  
*E. Linlithgow, P. Cr.*  
*Lord Lindours,*  
*Lord Sinclair,*

*Lord Bruntisland,*  
*Laird of Gosford,*  
*Laird of Claverhouse,*  
*Laird of Balmaccoon,*  
*Laird of Park Gordon.*

**H**IS Majesties Advocate adduced four Witnesses, to prove the points of the Indictment, remitted to the knowledge of the *Affize*, *viz.* *John Drummond* of *Lundie*, then Governour of the Castle of *Edinburgh*, now Treasurer-Deputy: *Sir William Paterson*, and *Mr. Patrick Menzies*, Clerks of the Privy Council; and *H. Stevenson* their under Clerk. Who deponed, *That on the 4th. of November, the Earl did give in an unsolicited Explanation of the Test, which he refused to sign: One of the Witnesses also adding, That he heard him make the same Explanation, the day before, in Council, and that it was then accepted.*

Then His Majesties Advocate asked, if the Earl would make use of his *Exculpation* for eliding the *Perjury Libel*, *to wit*, That he had emitted the same Explanation, before taking the *Test*, in presence of his Royal Highness and the Council. To which the Earl answered, *That seeing they had sustain'd the Libel, as to the alleged Treason, he would not trouble them about the Perjury; especially the matter of Fact, referred by the Interloquutor to his probation, being of it self so clear and notour.*

Put the truth is, the *Interloquutor* pronounced was so amazing, that both the Earl and his Advocates, were struck with deep silence, for they plainly perceived that, after such a *Judgment* in the case, all further endeavours would be in vain, it being now manifest, that seeing the Earls innocence had so little availed, as that his plain and honest words, purely uttered for the necessary satisfaction of his own conscience, and clearing of his Loyalty, had been construed, and detorted, to infer *Leasing-making, Depraving, and Treason*: the Tongues of men and Angels (as some of his Advocates also said) could not do any good, and therefore neither did the Earl, nor they object any thing, either against the *Assizers* or *Witnesses*, though liable to obvious, and unanswerable exceptions: Nor did the Earls Advocates say any thing to the *Affize*, as the custom is, and as in this case they might well have done to take off the force of the *Evidence*, and to demonstrate that the *Depositions*, instead of proving the Indictment, did rather prove the Earls defence. But, as I have said, they now plainly saw that all this had been unnecessary work, and, in effect, were of opinion, that after so black, and dreadful a fence, put upon what the Earl had spoke and done, in such fair, and favourable circumstances, there could be nothing said, before such a Court, which might not expose themselves to the like hazard, and more easily be made liable to the same mis-construction.

But, upon this silence, the Advocate, taking Instruments, protests (whether in form only, or from a real fear, let others judge) for an *Affize of Error*, in case the *Assizers* should *Assail* or acquit: Whereupon the *Affize* removing was inclosed, and, after some time, returned their *Verdict*, which was read in open Court of this tenour.



The Verdict of the Assize.

THE Assize having Elected, and Chosen the Marquess of Montrose to be their Chancellor, they all in one voice find the Earl of Argyle guilty, and culpable of the Crimes of Treason, Leasing-making, and Leasing-telling. And find, by plurality of Votes, the said Earl innocent, and not guilty of Perjury.

And then the Court again adjourned: And the Privy-Council wrote the following Letter to His Majesty.

*Halvud-House, December 14. 1681.*

The Councils Letter to the King, desiring leave to pronounce Sentence against the Earl of Argyle.

May it please Your Sacred Majesty,

IN Obedience to Your Majesty's Letter, dated the 15th of November last, we ordered Your Majesty's Advocate to insist in that Process, raised at your Instance, against the Earl of Argyle: And having allowed him a long time for his appearance, and any Advocates be pleased to employ, and Letters of Exculpation, for his Defence; He, after full Debate, and clear Probation, was found guilty of Treason, Leasing-making betwixt Your Majesty, Your Parliament, and Your People, and the reproaching of Your Laws, and Acts of Parliament. But because of Your Majesty's Letter, obliging us to send Your Majesty a particular account of what he should be found guilty of, before the pronouncing of any Sentence against him, we thought it our duty to send Your Majesty this account of our, and Your Justices proceedings therein; And to signify to Your Majesty, with all Submission, that it is usual, and most fit for Your Majesty's Service, and the Advantage of the Crown, that a Sentence be pronounced, upon the Verdict of the Assize, without which the Process will be still imperfect. After which, Your Majesty may, as you in Your Royal Prudence and Clemency shall think fit, Order all farther execution to be sited, during Your Majesty's pleasure: Which shall be dutifully obeyed by,

Your MAJESTY's

Most Humble,

Most Faithful,

and most Obedient

Subjects and Servants,

Sic Subscribitur,

Alex. St. And.	Roxburgh,	Dalziel,
Athol,	Dumfries,	Geo. Gordon,
Douglas,	Strathmore,	Ch. Maitland,
Montrose,	Airlie,	Geo. M <sup>c</sup> kenzie,
Glencairn,	Ancram,	G. M <sup>c</sup> kenzie,
Wintoun,	Livingston,	Ramsay,
Linlithgow,	Jo. Edinburgens;	J. Drummond.
Perth,	Elphinstoun,	

THE Earl, as well as the Lords of Privy Council, waited some days for the Answer of this Letter: But the Earl making his escape a day or two before it came, I shall take occasion to entertain you, in the mean time, with an account of some thoughts that the Earl had set down in Writing, in order to some discourse he intended to have made to the Lords of Justiciary, before their pronouncing Sentence. And then I shall subjoin the Motives and Arguments, which (as he hath since informed some of his Friends) did induce him to make his escape: Which, with what I have said before, will give you a full account of all matters, till His Majesty's return came, and the Sentence past.

And first, he takes notice, That on *Monday* the Twelfth of *December*, the day of his Arraignment, the *Court* adjourned, before he was aware: And it being then late, about nine of the Clock, and after a *sedesunt* of twelve hours, He did not imagine, they would have proceeded further that night; but only heard afterwards that they sat it out till two or three after midnight: And was surprized the next morning, to understand, that without calling him again, or asking at him, or hearing, or considering his own sense of his own words, they had not only found the Libel relevant, but repelled his defences, and with one breath rejected all his most material reasons of *Exculpation*, root and branch. This seemed hard, though the words had been worse, and no way capable of a favourable construction (which none, no not the Judges themselves, can be so void of sense, as to think really they were not) and this was so far beyond all imagination, that, neither the Earl, nor his Advocates did ever dream it could fall out, though all was not said might have been said; nor what was said, so fully enforced as the Earl's Advocates could easily have done, if the case had not been thought so very clear, and the Earl his innocence so obvious and apparent, and they unwilling unnecessarily to irritate many concerned.

This great haste, and strange proceeding, did so surprize and astonish him (as I have said) that it caused him, the next day when the Sentence was read, to keep deep silence, and suffer the *Interloquutor* to be pronounced, the *Affizers* chosen, and sworn, and the *Witnesses* received, and examined, without once offering to say, or object any thing, or so much as inquiring, at either *Affizers*, or *Witnesses*, whether they had not been rammpered with, and practised by promises, and threatnings; or whether some of them had not previously, and publickly declared themselves in the Case, and others of them had not partially advised, and solicited against him; Which, as they are just, and competent Exceptions, so he was able to have proven them, against most of them, instantly, and fully.

And indeed, as to such of the *Affizers* as were *Councillors*, (whom, for your better information, I have marked in the List of *Affizers* thus, *P. Cr.*) and had first ordered his Imprisonment, next, signed the Letter to His Majesty, and then ordered the *Process*, and therein manifestly fore-stalled their own judgment (had they done no more) it was a wonder, beyond parallel, That, neither their own Honour, nor the common decency of Justice, nor even His Majesty's Advocate's Interest, did prevent their being impannelled on that Affize.

But the truth is, the Earl did so far neglect and abandon himself, and give way to the Court, that he did not so much as open his mouth, to clear himself of the Perjury laid to his charge, which yet God Almighty was pleased to do, by the plurality of voices of the same Affize, who it appears plainly did bear him little kindness: For whereas Affizers do usually return their Verdict, *Proven, or not Proven*, rather than *Guilty or not Guilty*, and ought alwise to do so, where the relevancy is *in dubio*, and especially in a case of this nature, in which the alledged Treason is no overt act, and indeed no act, nor so much as a real ground of offence; but plainly such a subtil, chimerical, and non-sensical consequence, that the finding it doth quite surpass the comprehension of all unbiassed men; It might have been expected that persons of their quality would have chosen the more moderate form of *proven or not proven*, and not involved themselves unnecessarily upon Oath in adjudging the relevancy of a guilt, which so few are able to imagine, and none will ever make out; yet you see in their Verdict, that all in one voice they did find the Earl *Guilty*, in the most positive and strong form; adding, for superabundance, *culpable, forsooth*, the better to demonstrate their good will. Nor is it unworthy of remark, that when such of the Affizers as were present at the Council declared the Earl Innocent of the Perjury (which His Majesty's Advocate did only pretend to infer from the Earls alledged silence, or not speaking loud enough, the first day, when he signed the Test) because they heard him, at the same time, pronounce his explanation: Yet some other Affizers that were no Councillors, and knew nothing of the matter of fact, but by hear-say, without all regard to the witnessing of these Counsellors, their fellow Affizers, voted him *Guilty*: And so took it formally on their Consciences, that he had said nothing in the Council, at his taking the Test; albeit all the Council knew the contrary: (by which they are clearly perjured). Nay, such was the earnestness of some (who thought it scarce possible to carry the Treason upon words so safe and innocent) to have the Earl found *Guilty* of Perjury, that it was particularly recommended to His Majesty's Advocate to get him made guilty of that point, to render him for ever incapable of publick employment. And the Clerk of the Affize was so concerned in it, that he twice misreckoned the Votes, before he would yield that the Earl was assailed, or acquit of the Perjury. And this, among other things, may serve to clear, how that whole matter was influenced and managed: For, as the Earl cannot be charged with Perjury the second day, because he swore none at all; so as little the first day, seeing whether he took the Test with an Explanation (as certainly he did) or

ot simply without saying any thing, It is equally apparent, there was no *Perjury* in the case: But it appears, their *Affizers* were of the Opinion, that the *Indictment* or *Libel* alone (as it was indeed the only evidence) was a sufficient proof of the Earl his being guilty of *Perjury*. And indeed for any other Rule or Reason that occurs, They might as well have found him guilty of the *Perjury* as of the *Treason*: But the *Affizers* that were *Councillors* being under a particular check, apprehending they might be found perjured themselves, if they had not acknowledged the hearing of the words, that all others present could have attested to have been audibly spoken, and some of themselves have confessed to have heard, before they knew the tenor of the *Libel*; And, the great Crime of *Treason* being sufficient to do the *Job*, it is like they judged it advisable to give this insignificant *absolution from Perjury*; That their *Verdict* of *Treason* might have the greater colour, and shew of candor, and sincerity. However it seems to be without measure hard to be prosecuted with such a deadly *Dilemma* of either *Treason* or *Perjury*; for you see, in their account, if the Earl swear with an *Explanation*, his *Life* is knockt down by *Treason*; and if without an *Explanation*, his *Honour*, which is dearer to him than his *Life*, is run thorow with *Perjury*. But, to compleat a fancy beyond *Bedlam*, The *Advocate* urges, and several *Affizers* agree, at the same time, to condemn the Earl as *perjured*, for not explaining; and for *Treason*, for explaining: *Quis talia fando?*

In the next place, the Earl's Papers contain some *thoughts*, and *endeavours*, to remove certain mistakes, which, he had good ground to believe, did so much prompt, and precipitate the Judges to pronounce so important a Sentence against him, upon so weak and sandy foundations, and which were indeed either meer fancies, or so frivolous, that though they were true, they could never excuse them before men, far less exoner them before God Almighty. Where, laying down a true ground, that *nunquam concluditur in criminalibus*, &c. and withal representing, how his *Advocates* were questioned, in so extraordinary a manner, for signing their *Opinion* (which you have above *Num. 32*. Where you may see how fair, just, and life it was) that now they dare no more plead for him; *He says*, He cannot be denied to plead for himself, as he best may.

The first ground of mistake then that he was to represent, was, that he knew it had been told them, it was very much His Majesty's Interest, and necessary for the support of the Government, to devert, and render him incapable of publick Trust: Which words had been oft said, and said to himself, to persuade him that there was no further rigour intended: But as he is very confident our gracious King will never, upon any such pretence, allow any innocent Person to be condemned, far less to be destroyed, in a picque or frolick, where his Majesty can reap no advantage; So he is persuaded, His Majesty hath no design to render him miserable, far less to cut him off, without a cause. And therefore concludes, it is only his misfortune, in his present circumstances, never having access to, nor being heard by his Majesty, nor the Case perfectly understood by him, that hath made His Majesty give so much as way to a *Process* to be raised or led, far less to a *Sentence* to be pronounced against him. But in effect, as this Affair hath been managed all alongs, and so many engaged, in so extraordinary ways, to act, and write against him, first and last, nothing should appear strange or surprising: However, as their own Consciences, and God Almighty, knows how they have been brought to meddle, and act, as they have done; So, one day or other, the World may likewise know it.

A second ground of mistake, which, he says, may impose upon them, is a confidence of His Majesty's Pardon intended for him, a pretence only given out to render the *Condemnation* more easy; yet indeed least wished for by those who were readiest to spread the report, and whereof the Earl had indeed more confidence than any that talked of it, if His Majesty were left to himself, and had the Case fully and truly represented to him: but as His Majesty needs not this false occasion to make his clemency appear, which is so well known over all his Dominions, by far more true and genuine discoveries; so it were the height of injustice in their Lordships of the *Justiciary* to proceed to sentence against him, upon such *Apprehensions*, in case in their hearts they believe him innocent (as he certainly knows they do) besides, they cannot but see their acting, upon so unjust a ground, will not only stain their names, and memories, but instead of alleviating, rather aggravate their guilt, both in their own Consciences when they reflect on it in cold blood, and in the sight of God Almighty: And if His Majesty, on importunity and a third Application, should give way to execution, as he hath already given way, first to the *Process*, and then to the *Sentence*; or if (as some may design) Execution shall be adventured on, without the formality of a new Order (as the *Process* was at first commenced, before His Majesty's return, and so is not impossible) would not their Lordships be as guilty of his blood, as if they had cut his Throat?

And in effect, these are the grounds and Excuses pretended at this day, in private, by such of his Judges, for their procedour, who are not yet come to have the confidence, at all Occasions, to own directly what they have done.



A third reason why his *Exculpation* was not allowed, he says, might be, because the sustaining of it might have brought other *Explanations* above-board, and discover both these who had made, and those who had accepted them, and perhaps not have left *their own Bench* untouched. But as this Artifice will not keep up the *Secret*; And as this way of *shifting* is neither just nor equal; so to all interested it is the meanest of *Security*; For his Majesty's Advocate hath already told us, that His Majesty's Officers can never wrong him: And although the *Lords* and He should conceal what others had done, it might make themselves more guilty, but not prove any *Exonerat*ion to those concerned, without a down-right *Remission*: Whereas it is manifest, That if *their Lordships* had admitted the Earl's *Exculpation*, upon the sure and evident grounds therein contained, it would not only have answered the *Justice* of his Case, but vindicated all concerned.

And lastly, he was to tell them, that possibly they might be inclined to go on, because they were already so far engaged, as they knew not how to retreat with their honour: but, as there can be no true honour where there is manifest wrong, and injustice; so, in the frail and fallible condition of humane things, there can be no delusion more dangerous and pernicious than this, that *unum scelus est alio scelere tegendum*. And here the Earl thought to lay before them, very plainly and pertinently, some remarkable and excellent Rules, whereby *L. Chief Justice Hales*, a renowned Judge of our Neighbour-Nation, tells, he did govern himself in all Criminal Cases; which (adds the Earl) if they took a due impression, would certainly give them peace, and joy, when all the vain Considerations that now amuse, will avail them nothing.

The Rules are these.

- I. Not to be rigid in matters purely conscientious, where all the harm is diversity of Judgment.
- II. That Popular, or Court-applause, or distaste, have no influence on any thing is to be done, in point of distribution of Justice.
- III. In a criminal Case, if it be a measuring cast, then to incline to mercy and acquittal.
- IV. In criminal things, that consist only of words, where no harm ensues, moderation is then no injustice.
- V. To abhor all private Solicitations, of what kind soever, and by whomsoever.
- VI. In matters depending, not to be solicitous what men will say or think, so long as the rule of Justice is exactly kept.
- VII. And lastly, Never to engage themselves in the beginning of a Cause, but reserve themselves unprejudged, till the whole business be heard.

Then the Earl goes on, and makes notes, for *Additional Defences*, reducible to these Heads.

- I. The absolute innocence of his *Explication*, in its true and genuine meaning, from all crime or offence, far more from the horrible Crimes libelled.
- II. The impertinency and absurdity of His Majesty's Advocate's Arguings, for inferring the Crimes libelled, from the Earl's words.
- III. The reasonableness of the *Exculpation*.
- IV. The Earl's Answers to the Advocate's groundless Pretences for aggravating of his Case.

As to the first, The Earl waving what hath been said from common Reason, and Humanity it self, and from the whole tenour and circumstances of his Life, comes close to the point by offering that just and genuine *Explanation* of his *Explication* which you have above, Num. 21.

I have delayed hitherto to take the Oath appointed by the Parliament to be taken, betwixt and the first of January next: But now being required, near two months sooner, to take it, this day peremptorily, or to refuse: I have considered the Test, and have seen several Objections moved against it, especially by many of the Orthodox Clergy, notwithstanding whereof, I have endeavoured to satisfy my self with a just *Explication*, which I here offer, that I may both satisfy my Conscience, and obey Your Highness, and your Lordships Commands in taking the Test, though the *Act* of Parliament do not simply command the thing, but only under a certification, which I could easily submit to, if it were with Your Highness's favour, and might be without offence: But I love not to be singular; and I am very desirous to give obedience in this, and every thing, as far as I can; and that which clears me, is, that I am confident, whatever any man may think or say to the prejudice of this Oath, the Parliament never intended to impose contradictory Oaths; and because their sense (they being the Framers and Imposers) is the true sense, and this Test, enjoined, is of no private interpretation, nor are the King's Statutes to be interpreted, but as they bear, and to the intent they are made; therefore I think no man, that is, no private Person, can explain it for another, to amuse or trouble him with (it may be) mistaken glosses: But every man, as he is to take it, so is to explain it for himself, and to endeavour to understand it, notwithstanding all these Exceptions in the Parliament's, which is its true and genuine sense; I take it therefore, notwithstanding any scruple made by any, as far as it

it is consistent with it self, and the Protestant Religion, which is wholly in the Parliament's sense, and their true meaning; Which (being present) I am sure, was owned by all to be the securing of the Protestant Religion, founded on the Word of God, and contained in the Confession of Faith recorded, J. 6. p. 1. c. 4. And not out of Scruple, as if any thing in the Test did import the contrair. But to clear my self from Cavils, as if thereby I were bound up further than the true meaning of the Oath; I do declare, That by that part of the Test, that there lies lies no obligation on me, &c. I mean not to bind up my self in my station, and in a lawful way; still disclaiming all unlawful endeavours, To wish, and endeavour any alteration, I think, According to my Conscience, to the advantage of Church, or State, not repugnant to the Protestant Religion, and my Loyalty: And by my Loyalty I understand no other thing than the words plainly bear, to wit, the duty and allegiance of all Loyal Subjects; and this Explanation I understand as a part, not of the Test, or Act of Parliament, but as a qualifying part of my Oath that I am to swear; and with it I am willing to take the Test, if your Royal Highness and your Lordships allow me. Or otherwise, in Submission to your Highness and the Councils pleasure, I am content to be held as a Refuser, at present.

Which Explanation doth manifestly appear to be so just, and true, without violence or straining; so clear and full, without the least impertinency; so notore and obvious to common sense, without any Commentary; so loyal, and honest, without ambiguity; and lastly, so far from all, or any of the Crimes libelled, that it most evidently evinceth, that the words thereby explained are altogether innocent: And therefore it were lost time to use any Arguments to enforce it.

Yet seeing this is no trial of wit, but to find out common sense; let us examine the Advocate's fantastical Paraphrase, upon which he bottoms all the alledged Crimes, and see whether it agrees, in one jot, with the true and right meaning of the Earl's words; and (as you may gather from the Indictment) it is plainly thus.

I have considered the Test; which ought not to be done, and am very desirous to give obedience, as far as I can, but am not willing to give full obedience: I am confident the Parliament never intended to impose contradictory Oaths; that is, I am confident they did intend to impose contradictory Oaths; and therefore I think no man can explain it but for himself; that is to say, every man may take it in any sense he pleases to devise, and thereby render this Law, and also all other Laws, tho not at all concerned in this Affair, useless; and so make himself a Legislator, and usurp the Supreme Authority: And I take it, in so far as it is consistent with it self, and the Protestant Religion, whereby I suppose that it is not at all consistent with either; nor was ever intended by the Parliament it should be consistent: And I declare, that by taking this Test, I mean not to bind up my self in my station, and in a lawful way, to wish, or endeavour any alteration, I think, to the advantage of Church, or State, not repugnant to the Protestant Religion, and my Loyalty: Whereby I declare my self, and all others, free from all obligation to the Government, either of Church, or State, as by Law established, and from the duty and Loyalty of good Subjects; Resolving of my self to alter all the Fundamentals, both of Law, and Religion, as I shall think fit: And this I understand as a part of my Oath: that is as a part of the Act of Parliament, by which I take upon me, and usurp the Royal Legislative Power.

Which sense and Explanation, as it consists of the Advocate's own words, and was intended, every word, necessary to infer these horrible Crimes contained in the Indictment; so, to speak with all the modesty that truth will allow, I am sure, it is so violent, false, and absurd, that the greatest difficulty must be to believe that any such thing was alledged, far more received, and sustained in judgment, by Men professing only reason, far less Religion.

But thirdly, If neither the Earl's true, genuine, and honest sense, nor this violent, corrupt, and false sense, will satisfy; let us try what transposing the Earl's Explanation will do, and see how the just contrary will look. — And it must be thus.

I have considered the Test, nor am I at all desirous to give obedience, so far as I can; I am confident the Parliament intended to impose contradictory Oaths; And therefore I think every man can explain it for others, as well as for himself, and take it, without reconciling it, either to it self, or his own sense of it: And I do take it, tho it be inconsistent with it self, and the Protestant Religion: And I declare, that I mean thereby to bind up my self never (either in my station, or in any lawful way whatsoever) to wish, or endeavour, in the least, any alteration, tho to the advantage of Church, or State, and tho never so suitable, and no way repugnant to the Protestant Religion, and my Loyalty: And, tho this be the express quality of my Swearing, yet I understand it to be no part of my Oath.

Now whether this contradictory Conversion be not Treason, or highly Criminal, at best, I leave all the World to judge: And to make both sides of a contradiction, that is, both the Affirmative and Negative of the same Proposition, Treason, is beyond ordinary Logick. Esobar finds two contrary ways may both be probable and safe ways to go to Heaven; but neither he, nor the Devil himself, have hitherto adventured to declare two contradictory Propositions,

Propositions, both damnable, and either of them a just cause to take away mens Lives, Honours, and Fortunes.

But where the Disease is in the Will, it is lost labour to apply Remedies to the Under-standing; and must not this be indeed, either the oddest Treason, or strangest Discovery that ever was heard of? The Bishop of *Edinburgh* sees it not, witness his Vindication, saying the same, and more; nor many of the Orthodox Clergy, witness their Explanations; nor his Royal Highness, in private; nor at first in Council, nor all the Councillors, when together at the Council-board; nor the President of the Council, nor the then President of the Session (now Chancellor) though he rose from his Seat, to be sure to hear; nor any of the most learned Lawyers, witness their signed Opinion; nor the most learned of the Judges on the Bench; nor the generality of the knowing Persons, either in *Scotland*, or *England*: wonderful Treason one day seen by none, another day seen by so many! A Stander-by hearing the Trial, and the Sentence, said, He believed the Earl's words were by Popish Magick transubstantiated, for he saw them the same as before; Another answered, that he verily thought it was so; for he was confident, none could see Treason in the words, that would not, when ever it was a proper time, readily also profess his belief of *Transubstantiation*; but he believed many that professed both, believed neither.

The second Head of the Earl's Additional Defence, contains the impertinencies and absurdities of the Advocate's Arguings. And here you must not expect any solid debate; For as there is no disputing with those that deny Principles, so as little with those who heap up phantastical and inconsequential Inferences, without all shadow of reason. If a Stone be thrown, though it may do hurt, yet having some weight, it may be thrown back with equal, or more force: But if a man trig up a feather, and sling it, it is in vain to throw it back; and the more strength, the less success: It shall therefore serve, by a cursory Discourse, to expose his Arguments, which are in effect easier answered than understood; and, without any serious arguing, which they cannot bear, rather leave him to be wife in his own eyes, than by too much empty talk hazard to be like him.

He alledges first, That the Earl, instead of taking the Test in its plain and genuine meaning, as he ought, doth declare against, and defame the *Act* that enjoined it, which is certainly a great Crime: But now, *Inasmuch*, says the Advocate, as he tells us, That he had considered the Test: Which I have indeed heard say was his greatest Crime; and that he ought to have taken it with a profound and devout ignorance, as some of our most inventive Politicians boasted they had done. But the Earl says that he was desirous to give obedience, as far as he could; whereby, says the Advocate, he insinuates that he was not able to give full obedience. This is not the meaning; but what if it were, and that indeed he could not? Have not thousands given no obedience, yet even in Law are guiltless? And ought not that to please his Highness, and the Council, that is accepted of God Almighty, and is all any Mortal can perform? But the Earl, says the Advocate, goes on, That he was confident the Parliament never intended to impose contradictory Oaths; whereby, says the Advocate, he abuses the People with a belief that the Parliament did intend to impose such. Wonderful reasoning! All men know that Parliaments neither are, nor pretend to be infallible; And in our present Case, hundreds of Loyal Subjects complain of Contradictions and Inconsistencies, some way or other, crept into this Oath; And even the Council have yielded so far to their Exceptions, as to make an alteration upon it, for satisfying those scruples, far beyond any thing the Earl said; and such an alteration, as, I believe, few dreamed of; and I am certain, none durst have attempted, without their express command and authority: and yet, in the midst of all this, the Earl's charitable and honest Opinion, in behalf of the Parliaments good Intentions, must be perverted to a direct slander. But the Earl says, That every man must explain it for himself; and so, no doubt, he must, if the Test be either in it self, or in his apprehension, ambiguous, otherwise how can he swear in Judgment? But this the Advocate will have to be a man's own sense, and thereupon runs out, That hereby this Law and Oath, and all Laws and Oaths are rendered useless, and so no purpose: And farther, the Legislative Power is taken from the Imposer, and sealed in the Taker of the Oath, which certainly is a most treasonable presumption. But first, although there be no reason to strain, or mistake the Expression, yet the Earl did not say, That every man must take the Test in his own sense.

II. The Council hath now explained the Test for the Clergy: Might not then the Earl, before their Explanation was devised, say, by the Councils allowance, which he had, That he might explain it for himself? For if an ambiguous Proposition (the Test for example) may be reconciled to it self two different ways; must not the Taker reconcile it, as in his own sense he thinks it doth best agree with the genuine meaning of the words themselves, and with the sense he conceives was intended by the Parliament that formed it, especially before the Parliament emit their own Explanation? And is it not juster to do it so, than in any other man's sense, which he thinks agrees less with the words, albeit they may be thought by others to be reconcileable another way?

III. All this looks like designed Mistakes and Traps; for should any man swear, unless he



he understand? And where an Oath is granted to be ambiguous, can any man understand, unless, in want of the Imposers help, he explain it for himself.

IV. Was ever a Man's explaining an Oath for himself, before taking it, far less his bare saying that he must explain it, before he take it, alledged to be, *The overturning of all Laws and Oaths, and the usurping of the Legislative power, and making of new Laws*? Certainly to offer to answer such things, were to disparage common Reason.

And lastly, this is strange Doctrine from the Advocate, who himself, in Council, did allow, not only the Earl his Explanation, but that Explanation to the Clergy, contrary, as appears by their Scruples, to what they that took it thought either the Parliaments design, or the plain words of the Test could bear, and certainly different from the sense many had already taken it in, and wherein others were commanded to take it. And whatever the Advocate may cavil to insnare the Earl, sure he will not allow that by his explaining this Oath he himself hath taken on him the Legislative power of the Parliament, far less, though he should acknowledg it, will any believe that he hath, or could thereby make all Laws or Oaths useless? By this you see what strange stuff he pleads, which deserves no answer.

But, says the Advocate, the Earl affirms, *He takes the Test, only as far as it consists with it self, and with the Protestant Religion; by which he most maliciously insinuates, that it is inconsistent with both.* But, first, this only is not the Earl's, but the Advocates addition. Secondly, I would soberly ask the Advocate, or any Man, Whether the Test, as it includes the Confession in general, and consequently all contained in it, was not either really, or at least might not have been apprehended to be inconsistent with it self? Else what was the use or sense of the Councils explanation, wherein it is declared, That men do not swear to every proposition of the Confession, but only to the Protestant Religion therein contained? And if it was either inconsistent, or apprehended to be so, how could the Earl, or any honest Man swear it in other terms, with a safe Conscience? But Thirdly, If Parliaments be fallible, and this Oath, as being ambiguous, needed the Councils explanation to clear it from inconsistencies, must the Earl's words, when he was to swear, *That he took it in so far as it was consistent*, be in this Case understood as spoken maliciously, and with a criminal intent, when all Sense, Reason, and Religion, made this caution his duty? And if it be so criminal for one going to swear, to suppose a possibility of inconsistencies in it, is it not manifestly more criminal in others, plainly to confess and grant that there are inconsistencies in it, after they have swallowed it in gross, without any explanation whatsoever?

But, says the Advocate, *The Earl hath invented a new way, whereby no Man is at all bound to the Test; For how can any Man be bound, if he will obey only as far as he can?* And yet it will be hard, even for the Advocate, tho he sometimes attempts, indeed, more than he and all the World with him can do, To tell how a Man can obey farther: And I am sure, that in a matter of this kind, viz. The free tender of an Oath, all discreet men will judge the Earl's offer both frank and obliging. Then he asks, *To what the Earl is bound; if he be bound no further than he himself can obey?* Manifest confusion! and never either spoke by the Earl, nor at all pertinent to his case; besides he freely acknowledges, that all men are bound to more than they can do; or so far as the Test is consistent with it self, and the Protestant Religion (a strange doubting or! yet, I dare say, imports as much as His Majesty expects of any, and more than the Advocate will ever perform) But, says the Advocate, *who can determine to what the Earl is bound?* Which says plainly, That either the Test agrees with it self, and the Protestant Religion in nothing, or that the Protestant Religion is nothing, both which the Earl thinks far from truth. But the Advocate's reasoning reflects far more on the Councils Explanation, where it is plainly said, *That the Confession is not sworn to in the Test, but only the Protestant Religion contained in the Confession*; so that the Protestant Religion indefinitely is that which is said to be sworn to. Now, pray, is it not much worse for a Man to say, *That by taking the Test he swears only to the Confession as it contains or agrees with the Protestant Religion* (which is in effect to set the Protestant Religion at variance with its own Confession, and so to reproach and ranverse the standard, and make void the very security that the Parliament intended) than to say, *That he swears the Test as it agrees with it self and the Protestant Religion*, which imports no such insinuation? But from these pleasant Principles, he jumps into this Fantastick Conclusion, *That therefore it cannot be denied but the Earl's interpretation destroys, not only this Act, but all Government, and makes every Man's Conscience or Humour the Rule of his obedience.*

But first, as to the whole of his arguing, the Earl neither invents, says, nor does any thing, except that he offered his Explanation to the Council, which they likewise accepted. Secondly, What mad inferences are these! *You say, you will explain this Oath for your self, therefore you overturn all Government, and what not!* Whereas it is manifest, on the other hand, That if the Earl apprehending, as he had reason, the Oath to be ambiguous, and in some things inconsistent, had taken it without explaining it for himself, or respect to its inconsistency, it might have been most rationally concluded, that in so doing he was both

impious

impious and perjured. Thirdly, It is false, that the Earl doth make his Conscience any other way the rule of his obedience, than as all honest men ought to do: That is, as they say, *To be Regula regulata*, in conformity to the undoubted *Regula regulans*, the eternal rules of truth and righteousness, as is manifest by his plain words. As for what the Advocate insinuates of Humour instead of Conscience, it is very well known to be the Ordinary reproach, whereby men that have no Conscience endeavour to defame it in others.

But the Advocate is again at it, and having run himself out of all consequences, he insists and inculcates, that the Earl had sworn nothing. But it is plain, that to swear nothing, is none of the crimes libelled. Secondly, The Earl swears positively to the Test as it is consistent with it self and the Protestant Religion, which certainly is something; unless the Advocate prove, as he insinuates, that there is nothing in the Test consistent with either. And 3dly, If the Protestant Religion, and the Earl his reference to it, be nothing, then is not only the Council sadly reproached, who, in their Explanation, declare this to be the only thing sworn to, in the first part of the Test, but our Religion quite subverted, as far as this Test can do it.

But next for the Treason, the Advocate says, *That the Earl expressly declares, he means not by the Test to bind up himself, from wishing, or endeavouring, in his station, and in a lawful way, any alteration he shall think for the advantage of Church or State; whereby, says he, the Earl declares himself, and others, loosed from any obligation to the Government, and from the duty of all good Subjects, and that they may make what alterations they please.* A direct contrariety, instead of a just consequence; as if to be tied to Law, Religion, and Loyalty, were to be loosed from all three; Can there be a flatter and more ridiculous contradiction? Next, the Advocate pretends to found upon the fundamental Laws of this, and all Nations, *Whereby it is Treason for any Man to make any alterations he thinks fit for the advantage of Church or State.* But first, The Earl is not, nor cannot be accused of so much as wishing, much less endeavouring or making any alteration, either in Church or State, only he reserves to himself the same freedom, for wishing, which he had before his Oath, and that all that have taken it do in effect say they still retain. 2dly, For a man to endeavour, in his station, and in a lawful way, such alterations in Church or State, as he conceives to their advantage, not repugnant to Religion and Loyalty, is so far from being Treason, that it is the duty of every Subject, and the sworn Duty of all His Majesty's Councillors, and of all Members of Parliament: But the Advocate by fancying, and misapplying *Laws of Nations*, wresting Acts of Parliaments, adding, taking away, chopping and changing words, thinks to conclude what he pleases. And thus he proceeds, *That the Treason of making Alterations, is not taken off by such qualifications, of making them in a lawful way, in ones station, to the advantage of Church or State, and not repugnant to Religion or Loyalty.* But how then? Here is a strange matter! *Hundreds of Alterations* have been made within these few years, in our Government, and in very material Points; and the King's best Subjects, and greatest Favourites, have both endeavoured, and effectuated them: And yet, because the things were done according to the Earl's qualifications, instead of being accounted Treason, they have been highly commended and rewarded. The Treasury hath been sometimes in the hands of a Treasurer, sometimes put into a Commission, backward and forward: And the Senators of the College of Justice (the right of whose places was thought to be founded on an Act of Parliament, giving His Majesty the prerogative only of presenting) are now commissioned by a Patent under the great Seal, both which are considerable alterations in the Government, which some have opposed, others have wished and endeavoured, and yet without all fear of Treason on either hand; only because they acted according to these qualifications, *in a lawful way, and not repugnant to Religion and Loyalty.* But that which the Advocate wilfully mistakes (for it is impossible he could do it ignorantly) is, that he will have the endeavouring of alterations in general, not to be of it self a thing indifferent, and only determinable to be good or evil by its qualifications (as all men see it plainly to be) but to be, forsooth, in this very generality *intrinsically evil*; a Notion never to be admitted on Earth, in the frail and fallible condition of humane Affairs. And then he would establish this wise Position by an example he adduces, *That rising in Arms against the King* (for so sure he means, it being otherwise certain that rising in Arms in general is also a thing indifferent, and plainly determinable to be either good or evil, as done with or against the King's Authority) *is Treason*, and says, *If the Earl had reserved to himself a liberty to rise in Arms against the King, tho' he had added in a lawful manner, yet it would not have availed, because,* (and he says well) *This being in it self unlawful, the qualification had been but shams and contraria facta.* But why then doth not his own reason convince him where the difference lies? viz. That rising in Arms against the King, is in it self unlawful; whereas endeavouring alterations is only lawful, or unlawful, as it is qualified; and, if qualified in the Earl's Terms, can never be unlawful. Put, says the Advocate, *The Earl declares himself free to make all alterations, and so he would make Men believe that the Earl is for making All or Any, without any reserve; whereas the Earl's words are most express, that he is, Neither for making all or any, but only for wishing and endeavouring for such as are good and lawful, and in a lawful way; which no Man can disown, without denying common reason; nor no sworn Councillor disclaim, without*

manifest Perjury. But the Advocate's last conceit is, *That the Earl's restriction is not as the King shall think fit, or as is consistent with the Law, but that himself is still to be judge of this, and his Loyalty to be the standard.* But first, The Earl's restriction is expressly according to Loyalty, which in good sense is the same with according to Law, and the very thing that the King is ever supposed to think. Secondly, As neither the Advocate, nor any other hitherto, have had reason to distinguish the exercise and actings of the Earl's Loyalty, from those of His Majesty's best Subjects; so Is it not a marvellous thing, that the Advocate should profess to think (for in reality he cannot think it) the Earl's words, *His Loyalty*, which all men see to be the same with his Duty and Fidelity, or what else can bind him to his Prince, capable of any quibble, far more to be a ground of so horrid an accusation? And whereas the Advocate says, *The Earl is still to be judge of this*; It is but an insipid calumny, it being as plain as any thing can be, That the Earl doth nowise design *His thinking* to be the rule of Right and Wrong; but only mentions it as the necessary application of these excellent and unerring Rules of Religion, Law and Reason; to which he plainly refers, and subjects both his thinking and himself, to be judged accordingly. By which it is evident, that the Earl's restriction is rather better, and more dutiful than that which the Advocate seems to desire: And, if the Earl's restrictions had not been full enough, it was the Advocate's part, before administering the Oath, to have craved what more he thought necessary, which the Earl, in the Case, would not have refused. But it is believed, the Advocate can yet hardly propose restrictions more full and suitable to Duty than the fore-mentioned of Religion, Law and Reason, which the Earl did of himself profer. As for what His Majesty's Advocate adds, *That under such professions and reserves, the late rebellions and disorders have all been carried on and fomented*; It is but a meer vapour; for no Rebellion ever was, or can be, without a breach of one or other of the Earl's qualifications; which doth sufficiently vindicate that part of the Earl's Explanation.

The Advocate insists much, that *Any* is equivalent to *All*; and that *All* comprehends *Every* particular under it; which he would have to be the deadly Poyson in the Earl's words: And yet the Earl may defy him and all his detractors, to find out a Case of the least undutifulness, much less of Rebellion, that a Man can be guilty of, while he keeps within the excellent Rules and Limitations wherewith his words are cautioned. I could tell you further, that so imaginary, or rather extravagant, and ridiculous is this pretended Treason, that there is not a person in Scotland, either of those who have refused, or who by the Act, are not called to take the Test, that may not upon the same ground and words be impeach't, viz. *That they are not bound* (and so without doubt both may and do say it) *by the Test, in their Oath, &c. to wish and endeavour any alteration, &c.* Nay, I desire the Advocate to produce the Man, among those that have taken the Test, that will affirm, that by taking it he hath bound up himself never to wish or endeavour any alteration, &c. according to the Earl's qualifications, and I shall name Hundreds (to whom his Highness, as you have heard, may be added) that will say they are not bound up.

So that by this conclusion, if it were yielded, all Scotland are equally guilty of Treason, the Advocate himself, to say nothing of His Royal Highness, not excepted: Or if he still think he is, I wish he would testify under his hand to the World, that, *by his Oath he is bound up never to wish, nor endeavour any alteration he thinks to the advantage of Church or State, in a lawful way, nor in his station, though neither repugnant to the Protestant Religion, nor his Loyalty.* And if this he do, he does as a Man, if not of Sense, at least of Honour; but if not, I leave a blank for his Epithets.

But that you may see that this whole affair is a deep Mystery, pray, notice what is objected against the last part of the Explanation: *This I understand as a part of my Oath: Which, says the Advocate, is a Treasonable invasion upon the Royal Legislative power, as if the Earl could make to himself an Act of Parliament, since he who can make any part of an Act, may make the whole.* And then say I, farewell all Takers of the Test with an Explanation, whether the Orthodox Clergy, or Earl Queensberry (tho himself Justice General) who were allowed by the Council so to do; seeing that whether they hold their Explanation for a part of their Oath or not, yet others may; and in effect all men of sense do understand it so: And thus, in the Advocate's Opinion, they have Treasonably invaded the Legislative Power, and made an Act of Parliament to themselves: Neither, in that Case, can the Councils allowance excuse them, seeing not only the Earl had it, as well as they; but even the Council it self cannot make an Act of Parliament, either for themselves, or others. But, Sir, I protest, I am both ashamed and wearied of this trifling; and therefore to shut up this Head, I shall only give a few remarks: First, you may see, by the Acts of Parliament upon which the Advocate founds his Indictment, That as to *Leasing-making and depraving Laws*, all of them run in these plain and sensible terms; *The inventing of Narrations, the making and telling of Lies, the stirring of wicked and untrue Calumnies, to the slander of King and Government, the depraving of his Laws, and misconstruing his Proceedings, to the engendering of discord, moving and raising of hatred and dislike betwixt the King and his People.* And, as to Treason, in these yet more positive



tive terms; *That none impugn the dignity and authority of the Three Estates, or seek, or procure the innovation, or diminution thereof.* Which are things so palpable, and easily discerned, and withal so infinitely remote both from the Earl's words and intentions, or any tolerable construction can be put on either, that I confess, I never read this Indictment; but I was made to wonder that its forger and maker was not in looking on it, deterred by the just apprehensions he might have, not only to be sometime accused as a manifest depraver of all Law; but to be for ever accounted a gross, and most disingenuous perverter of common sense. The Earl's words are sober, respectful, and dutifully spoken, for the exoneration of his own Conscience, without the least insinuation of either *reflection* or *slander*, much less the *impugning of the Authority of Parliament*, as the Earl may appeal, not only to His Majesty's true and Royal sense, but to the most scrupulous and nice affecters of the exactest discerning; besides that they were first formally tendered in Council, for their approbation, and by them directly allowed: How then can any Man think, that they could be charged with the greatest and vilest of crimes, *Leasing-making, Depraving, Perjury, and Treason*? But the Advocate tells us, *That there are some things which the Law commonly forbids in general, and that some inferences are as natural and strong, and reproach as soon or sooner than the plainest defamations.* But what of all this? Must therefore such generals be left to the phantastick application of every wild imagination, to the confounding of the use of Speech, and subverting of humane Society, and not rather be still submitted to the judgment of common sense, for their true and right understanding, and the deducing thence these strong and natural inferences talk'd of? Of which good sense, if the Advocate do but allow a grain weight, it is evident that the inferences he here Libels against the Earl, must infallibly be cast, and by all rational unbiassed men be found strange, unnatural, and monstrous.

For, Sir, Secondly, pray observe these rational and sound Maxims he founds his Inferences on, and they are manifestly these: First, *That he who says he will only obey as far as he can, invents a new way whereby no man is at all bound to obey.* 2dly, *That he who in the midst of Hundreds of exceptions and contradictions, objected against an Oath enjoined by Act of Parliament, and still unanswered, says, That he is confident the Parliament never intended to impose contradictory Oaths, reproaches the Parliament.* 3dly, *That he that says he must explain an ambiguous Oath for himself, before he take it, renders all Laws and Oaths useless, and makes himself the Legislator.* 4thly, *That he that says that he takes this Oath, as far as it is consistent with it self, and the Protestant Religion, swears nothing.* 5thly, *That he that declares himself not tied up by the Test from endeavouring, in a lawful way, such alterations as he thinks to be to the advantage of Church and State, consistent with Religion and Loyalty, declares himself, and all others, loosed from the Government, and all duty to it, and free to make any, and all alterations that he pleases.* And 6thly, *That he that takes the Test with an explanation, and holds it to be a part of his Oath, invades the Legislative Power, and makes Acts of Parliament.*

Upon which rare and excellent Propositions, I dare say, The Earl is content, according to the best Judgment that you and all unbiassed Men can make, either of their Truth, or of my ingenuity in excerping them, to be adjudged Guilty or not Guilty, without the least fear or apprehension of the issue.

And in the third and last place, I shall only intreat you to try how the Advocate's reasoning will proceed in other Cases, and what brave work may be wrought by so useful a Tool. Suppose then a Man refuse the Test simply, or falls into any other kind of Non-conformity, either Civil or Ecclesiastick, or pays not the King's Custom, or other dues; or lastly, understands an Act otherwise than the Advocate thinks he should, Is not his indictment already formed, and his Process as good as made? viz. *That he regards not the Law; That he thinks it is unjustly or foolishly Enacted; That he will only obey as far as he can, and as he pleases, and thereby renders all Laws useless, and so reproaches the King and Parliament, and impugns their Authority. and assumes to himself the Legislative Power, and therefore is guilty of Leasing-making, Depraving His Majesty's Laws, and of Treason; of which crimes above-mentioned, or one or other of them, he is Actor, Art, and Part: Which being found by an Affize, he ought to be punished with the pains of Death, Forfeiture and Escheat of Lands and Goods, to the terror of others to do or commit the like hereafter.* And, if there be found a convenient Judge, the poor Man is undoubtedly lost.

But, Sir, having drawn this Parallel, rather to retrieve the Earl's Case, than to make it a precedent, which, I hope, it shall never be, and chusing rather to leave the Advocate than follow him in his follies, I forbear to urge it further.

These things considered, must it not appear strange, beyond expression, how the Earl's Explanation, such as it is, did fall under such enormous and grievous misconstructions: For, setting aside the Councils allowance and approbation, (which comes to be considered under the next Head) suppose the Earl, or any other person called before the Council, and there required to take the Test, had, in all due humility, said, either that he could not at all take it, or, at least not without an Explanation; because the Test did contain such

such things, as, not noly he, but many other, and those the best of the Loyal and Orthodox Clergy, did apprehend to be Contradictions, and Inconsistencies: And thereupon had proponed one or two such as the Papers above set down do plainly enough hold out, and the Bishop in his Explanation rather evades than answers; would it not be hard, beyond all the measures of Equity, and Charity, to look upon this as a deligned Reflection, far more a malicious and wicked Slander, and the blackest Treason? We see the Act of Parliament doth not absolutely injoin the taking of the Test, but only proposeth it to such as are intrusted in the Government, with the ordinary certification, either of losing, or holding their Trusts, at their option. We know also, that in Cases of this nature, it is far more suitable both to our Christian Liberty, and the respect we owe to a Christian Magistrate, to give a reason of our conscientious non-compliance, with meekness, and fear, than by a mute compareance, to fall under the censure of a stubborn oblinacy. And lastly, It is certain, and may safely be affirmed, without the least reproach, that *Parliaments are not infalible*; as witness the frequent changes, and abrogations of their own Acts, and their altering of Oaths imposed by themselves; and even of this Oath, after it was presented, which the Earl was not for altering, so much as it was done, as I told you before: How then can it be, that the Earl appearing before a Christian Council, and there declaring in terms, at the worst a little obscure, because too tender, and modest, his Scruples at an Oath presented to him, either to be freely taken, or refused, should fall under any Censure? If the Earl had, in this occasion, said, he would not take the Test, unless liberty were given him first to explain himself, as to some Contradictions, and Inconsistencies, which he conceived to be in it, tho he had said far more than is contained in his contraverted Explanation, yet he had said nothing but what Christian Liberty hath often freely allowed; and Christian Charity would readily construe for an honest expression of a commendable tenderness, without any imputation of reproach against either King, or Parliament. How much more then is his part clear and innocent, when, albeit so many thought the Contradictions to be undeniable, yet such was his well-tempered respect, both to God, and Man, to his own Conscience, and His Majesty's Authority, that before, and not after, the taking of this Oath, to clear himself (in the midst of the many Exceptions and Scruples raised) of all ambiguities in swearing, he first applies himself, for a satisfying Explanation, to the Parliament, the prime Imposers, their true intentions and genuine meaning, and then gathering it very rationally, from the Oath's consistency with it self, and with the Protestant Religion, the Parliament's aim and scope, and so asserting the King and Parliament's truth, and honour, he places the relief and quiet of his own Conscience in his taking the Test with this Explanation, and in declaring its congruity with his Oath, and duty of Allegiance.

The third Head of the Earl's additional Defences, is the further clearing and improving of his grounds of Exculpation, above adduced, and repelled: Which were, first, that before the Earl did offer his Explanation to the Council, a great many Papers were spread abroad by some of the Orthodox Clergy, charging the Test with Contradictions and Inconsistencies. 2dly, That there was a Paper penned by a Reverend Bishop, and presented and read in Council, and by them allowed to be printed, which did contain the same, and far more important things than any can be found in the Earl's Explanation: And consequently, far more obnoxious to all His Majesty's Advocate's Accusations. 3dly, That the Explanation upon which he was indicted was publicly by himself declared in Council, and by the Council allowed; so that the Oath was administrat to him, and he received to sit in Council, and vote, by his Highness, and the rest of the Members, with, and under this express qualification.

But, to all urged for the Earl's Exculpation, the Advocate makes one short Answer, *viz.* That if the Earl's Paper did infer the Crimes charged on it, a thousand the like offenders cannot excuse it: And His Majesty is free to pursue the Offenders, when, and in what order, he thinks fit: which Answer doth indeed leave the Council, and all concerned, in His Majesty's mercy: But that it doth no way satisfy the Earl's Plea, is manifest: For, the first ground of Exculpation, *viz.* That before the Earl did offer his Explanation, a great many Papers, writ by the Orthodox Clergy, and others, were abroad, charging the Test with Contradictions, &c. was not alledged by the Earl merely to justify his Explanation by the multitude of the like Papers, and so to provide for an escape in the croud: But, the Earl having most rationally pleaded, that his Explanation was given in by him, after these many Scruples and Objections raised by others were abroad, it was a good Plea, from a most pregnant circumstance, clearing both the design, and sense of his words, from the foul aspersions of reproaching, and depraving, thrown upon them: Seeing the words spoken by him under the motive of such a circumstance, by all fair rules of interpretation, instead of being judged misconstruing and depraving, could only be understood as a seasonable asserting of the Integrity of the Parliament's Intentions, and the uprightness of the Earl's Conscience: Which Argument being in reason unanswerable, it necessarily follows, that the Advocate's return to the first ground was neither sufficient, nor pertinent, and that therefore the Exculpation was unjustly repelled. But next, The second ground of Exculpation is so far from being answered by the Advocate, that

it does not appear it was so much as understood; For, the Earl's Argument being, That words allowed and approved by the Council, can never fall under the Accusation, either of Leasing-making, or slandering His Majesty's Proceedings, or depraving Laws, and Acts of Parliament, as is evident in it self, and granted by the Advocate, where he says that an Explanation, tho reflecting on the King and Government (which the Earl's was not) yet, if allowed by the Council, is to be sustained. But so it is, that the Council hath allowed the words contained in this Explanation contraverted, both in themselves, and also in their equivalent, and far more important Expressions: As for instance, not only by accepting the Earl's Explanation (as shall be cleared in the next place) but by giving warrant for the publication of the Bishop of *Edinburgh* his Vindication; wherein, first, for obviating the contradictions objected from the Confession of Faith, he positively asserts, that by the Test men do not swear to own every Article of that Confession; and yet the Test binds expressly to believe *that Confession to be founded on, and agreeable to the Word of God, and never to consent to any alteration contrary thereto, or inconsistent therewith*: So that he gives both the Test and the Parliament the Lye. And then, for removing another Scruple, he tells us, *That by the Test men are not bound up from regular endeavours to rectify or better the Established Government, both of Church and State, which is clearly the same thing, (but not so well cautioned) with that which in the Earl's Case is made a ground of Treason: From which it unquestionably follows, that the Earl's words, having been allowed, and approved by the Council, could never, in Law, or Reason, be thereafter made a ground of accusation, by any, much less by themselves. Now I desire to know where the Advocate, in all his Plea, doth so much as notice, far less answer, this Defence; or what his telling us, A thousand Offences of the like nature doth not excuse one, either doth, or can signify? seeing this Argument for the Earl, instead of pleading excuses, doth justify the matter, and for ever purge all shadow of offence, or ground of quarrel, which will be yet more apparent, when you shall add to this the third ground of the Earl's Exculpation, viz. That the Explanation, whereupon the Earl was indicted, was publicly by himself declared in Council, and by the Council allowed and accepted: Inasmuch, as, after he had given his Explanation as the sense wherein he was free to swear the Test, the Oath was thereupon administrat to him, and he received to sit, and vote as a Councillor. Whereby it is evident, That, by this allowance, and acceptance, the Earl's Explanation became the Councils, as much as if, after the Earl's pronouncing the words, they had *verbatim* repeated them, and told him, they were satisfied he should swear the Test in these terms: And whether this ought not to be a sufficient exoneration to the Earl, let all men judge. The Advocate makes a noise, *That in the case of an Oath required, the Taker ought to swear it in the sense of the Imposer, (which none doubts) and then runs out, That the Earl in place of taking it in the Imposers sense, did unwarrantably intend a sense of his own, to the eluding and frustrating of the obligation of this, and all other Oaths.* But all this is nothing to the purpose; for waving that in the Earl's Case it is most impertinent to talk of his obtruding of a sense, to the eluding, and frustrating of the obligation of his Oath, seeing his Oath was not then given, or at all in being, it is expressly alledged by the Earl, and notour, that the Explanation tendered by him, when called to take the Test, was accepted by the Council, and the Oath thereupon administrat, and so the Earl freely joins issue with the Advocate, and acknowledging that the Taker of the Oath ought to swear in the sense of the Imposer, *subjunct in terminis*, that he himself did swear so, and not otherwise, inasmuch as he did swear in a sense accepted by the Council, before he gave his Oath, as is evident. 1. By their commanding him to sit after he had sworn; and 2. In that neither the Advocate, nor any other, had ever the confidence to quarrel his sitting, as a breach of the Law, which no doubt they had done, if not convinced that by taking the Oath he had satisfied the Act of Parliament; which things, in true dealing, and the construction of all honest men, are the same as if the Oath had been required of him by the Council, in the very sense and words of this Explanation. Neither is it material whether the Explanation, offered by the Earl, doth deserve (as certainly it doth not) these many ill names, which the Advocate would fix upon it; because, though it had been much worse than it is, yet being offered to the Council, and submitted to their judgment, and they having accepted of it, the thing became *quasi res judicata*, and cannot be retracted, without subverting the surest Rules, both of Truth, and Government. The Advocate indeed tells us, 1. *That the Council heard not the Earl's Explanation*: But I have already told you, they did hear it, and the Earl is still ready to prove it: And suppose some say they did not hear it distinctly. (As what thing spoke in Council is distinctly heard and considered by all?) Yet it being certain that they did all approve it, it is sufficient to the Earl: And it is only their concern, whether in approving what they did not hear, they observed their Oath *De fideli, &c.* or not. His Highness, who the Earl was most concerned should hear, did certainly hear, as himself afterwards acknowledged. 2. The Advocate says, *That the bearing and allowing the Earl to sit, is no relevant Plea; yea further, though all the Council had allowed him that day, yet any of his Majesty's Officers might have quarrelled him the next day.* But first, I would gladly know, upon what head? For if upon obtruding a sense of his own, it is undeniable that*



that whatever the sense was, the obtruding of it was purged by the Council's acceptation, and it became theirs, and was no more his. But if the Advocate doth think, that even the matter of the Explanation, though allowed and accepted, may still be quarrelled: Then; 1. I hope, he will consider in what terms he doth it; for if he charge it after it becomes the Councils (as in truth he hath done already) with the same liberty wherewith he treats it as the Earl's, he runs fair to make himself the *arrantest Defamer* and *Slanderer* of the King and Council, that ever yet attempted it. But 2dly, It merits a worse name than I am free to give it, to say, That an Explanation allowed by the Council, in the administering of an Oath proper to be administered by them, doth not secure the Taker as to that sense, both in Law and Conscience: Seeing in effect this quite takes away the best grounds of assurance among men, and turns their greatest security to their greatest snare. And 3dly, If this be sound Doctrine, it is worth the enquiring, what security the Clergy, to whom the Council, as you have heard, did indulge an Explanation, have thereby obtained: For as to such Laicks as did only at their own hand take hold of, and snatch at this Indulgence, not provided for them by the Councils Act, it is clear their doom is dight. It is not here debated how far that Explication of the Council's may satisfy, and quiet Conscience, let such concerned see to it. Some please themselves with a general notion, That if the sense given by the Administrator be sound, then it is also safe, whether it be agreeable to the plain and genuine meaning of the Oath or not; nay, whether it be agreeable to the sense of the first Imposers, or not: But others, who consider more tenderly what it is to swear in Truth, and in Judgment, think it rather a prophanation, and a sinful preferring of the Credit of Men to the glory of the Almighty, to offer to smooth an Oath by a disagreeable interpretation, when in effect the Oath it self ought to be changed: But the thing in question is about the security of life and fortune; for seeing the Council's Explanation is, at least, to say no worse, liable enough to the Calumnies of an inventive malice, and the Advocate telleth us, *Though all the Council had allowed a man to swear with an Explanation, yet any of His Majesty's Officers may, the next day, quarrel him*; it is evident that this allowance can afford him no security. It is true; the Advocate may alledge, and possibly find a difference betwixt the Council's emitting, and their accepting of an Explanation. But as in truth there is none, more than betwixt a *Mandate* and a *Respite*; so I am confident, if ever the thing come to be questioned, this Pretence will vanish, and come to nothing.

It is likewise to be remembered, That when the Earl, the next day after he took the Test, was questioned for the Explanation he had made, and required to exhibit a Copy (which was afterwards made the ground of his Indictment) so soon as he observed that some began to carp, he refused to sign it, demanded it back, and would have destroyed it, as you have heard, which were all clear Acts of disowning, and retracting, for eviting offence, and of themselves sufficient to have prevented any further enquiry; there being nothing more just and human, than that words, though at the first hearing, offensive; yet if instantly retracted, when questioned, should be past: But this, as well as other things, must in the Earl's Case be singular; and whether he plead the Councils allowing, or his own disowning (as in effect he doth both) it is equally to no purpose, the thing determined must be accomplished. You heard before, how that a Reverend Bishop, and many of the Orthodox Clergy, did take a far greater liberty of Explanation than the Earl pretended to: you see also that first the Council allows his words, whereupon he resists: And when he finds that they begin to challenge, he is willing to disown: And withal, it is undeniable, and acknowledged by the Council themselves, that the Test, as it stands in the Act of Parliament, is ambiguous, and needs to be explained: And the Earl may confidently aver, that of all the Explanations that have been offered (even the Councils not excepted) his is the most safe, sound, and least disagreeable to the Parliament's true sense and meaning. And yet, when all others escape, he alone must be seized; and for a thing so openly innocent, clearly justifiable, and undeniably allowed, found guilty of the worst of Crimes, even *Leasng-making*, *Leasng-telling*, *Depraving of Laws*, and *Treason*; but all these things God Almighty sees, and to him the Judgment yet belongs.

And thus I leave this Discourse, shutting it up with the Case of Archbishop *Cranmer*, plainly parallel to the Earl's, to shew how much he was more favourably dealt with by the King, and Government, in those days, than the Earl now is, though he live under a much more merciful, and just Prince, than that worthy Prelate did; for *Cranmer* being called and promoted by *Henry VIII. of England* to be Archbishop of *Canterbury*, and finding an Oath was to be offered to him, which, in his apprehension, would bind him up from what he accounted his duty, he altogether declined the Dignity and Preferment, unless he were allowed to take the Oath with such an Explanation as he himself proposed, for salving of his Conscience; and tho this Oath was no other than the Statute, and solemn Oath, that all his Predecessors in that See, and all the mitered Clergy in *England*, had sworn, yet he was admitted to take it, as you see in *Fuller's Church Hist. of Britain*, lib. 5. p. 185, and 186. with this formal Protestation.

*In nomine Domini, Amen. Coram vobis, &c. Non est, aut erit meæ voluntatis, aut intentionis, per hujusmodi juramentum vel juramenta, qualitercunque verba in ipsis posita sonare videbuntur me obligare ad aliquid, ratione eorundem, posthac dicendum, faciendum, aut attendendum, quod erit, aut esse videbitur, contra Legem Dei, vel contra illustrissimum Regem nostrum Angliæ, Legesve, aut Prærogativas Ejusdem: Et quod non intendo, per hujusmodi juramentum, vel juramenta, quovis modo me obligare, qui minus libere loqui, consulere, aut consentire valeam, in omnibus, & singulis Reformationem Religionis Christianæ, Gubernationem Ecclesiæ Anglicanæ, & Prærogativam Coronæ ejusdem Rei publicæ, vel commoditatem earundem, quoquo modo concernentibus; & ea ubique excipui, & reformare, quæ mihi in Ecclesia Anglicana reformanda videbuntur: Et secundum hanc interpretationem, & intellectum hunc, & non aliter, nequa alia modo, dictum juramentum me præstiturum protektor, & profiteor.*

*That is to say. In the name of God, Amen. Before you, &c. It neither is, nor shall be, my will or meaning, by this kind of Oath, or Oaths, and however the words of themselves shall seem to sound or signify, to bind up my self, by vertue hereof, to say, do, or endeavour any thing, which shall really be, or appear to be, against the Law of God, or against our most Illustrious King of England, or against his Laws and Prerogatives: And that I mean not, by this my Oath, or Oaths, any ways to bind up my self from speaking, consulting, and consenting freely, in all, and every thing in any sort concerning the Reformation of the Christian Religion, the Government of the Church of England, and the Prerogative of the Crown of the Commonwealth thereof, or their advantage; and from executing, and reforming such things as I shall think need to be reformed in the Church of England: And according to this Explanation, and sense, and not otherwise, nor in any other manner, do I protest, and profess, that I am to take, and perform this Oath.*

Nor did that excellent Person, says Mr. Fuller, smother this privately in a corner, but publicly interposed it three several times; once in the *Charter-house*, before authentick Witnesses; again upon his bended knees, before the high Altar, in view and hearing of many People, and Bishops beholding him, when he was consecrated; and the third time, when he received the Pall, in the same place.

Now would it not be very strange if the like liberty should not be allowed to the Earl, under His Majesty, in reference to the Test, which Henry the VIIIth, a Prince that stood as much on his Prerogative as ever any, did vouchsafe to this *Thomas Cranmer*, who, as another Historian observes, acted fairly, and above-board: But there wanted then the high and excellent Designs of the great Ministers, the rare fidelity of Councillors, sound Religion and tender piety of Bishops, solid Law and Learning of Advocates, incorruptible Integrity of Judges, and upright honesty of Assizers, that now we have, to get Archbishop *Cranmer* accused, and condemned, for *Leasing-making*, *depraving Laws*, *Perjury*, and *Treason*, to which Accusation his Explanation was certainly no less obnoxious than the Earl's.

But I hasten to the fourth, and last Head of the Earl's Additional Defences, viz. The removing certain groundless Pretences, alledged by the Advocate, for aggravating the Earl's Offence: As 1. *That the Earl, being a Peer, and Member of Parliament, should have known the sence of the Parliament, and that neither the Scruples of the Clergy, nor the Council's Proclamation, designed for meer Ignorants, could any way excuse the Earl for offering such an Explanation.* But, first, the Advocate might have remembred, that in another Passage he taxes the Earl as having debated in Parliament against the Test, whereby it is easie to gather, that the Earl having been in the matter of the Test a dissenter, this quality doth rather justify than aggravate the Earl's Scrupling. 2dly, If the Proclamation was designed for the meer Ignorants of the Clergy, as the Advocate calls them, who knew nothing of what had past in Parliament, an Explanation was far more necessary for the Earl, who knows so little of what the Advocate alledges to have past in Parliament, viz. *That the Confession of Faith was not to be sworn to as a part of the Test*, that of necessity (as I think) he must know the contrary; Inasmuch as, first, this is obvious from the expresse tenor of the Test, which binds to own, and profess the true Protestant Religion, contained in the Confession of Faith, and to believe the same to be agreeable to the Word of God; as also to adhere thereto, and never to consent to any change contrary to, or inconsistent with the said Protestant Religion, and Confession of Faith: Which to common sence appears as plain, and evident, as can be contrived, or desired. But 2dly, It is very well known, that it was expressly endeavoured, and carried in Parliament, that the *Confession of Faith* should be a part of the Test and Oath: For the *Confession of Faith* being designed to be sworn to, by an Act, for securing the Protestant Religion (which you have heard was prepared in the Articles, but afterwards thrown out) when this Act for the Test was brought into the Parliament, some days after, by the Bishop of *Edinburgh*, and others, the *Confession* was designedly left out of it: But it being again debated that the bare naming of the Protestant Religion, without condescending on a Standard for it, was not sufficient, the *Confession of Faith* was of new added: And, after the affirmative Clause for owning it, and adhering to it was inserted,

sert, upon a new motion, the negative, *never to consent to any alteration, contrary to; or inconsistent with the said Protestant Religion, and Confession of Faith*, was also subjoined; But not without a new debate and opposition made against the words, *And Confession of Faith*, by the Bishop of *Edinburgh*, until at length he also yielded; All which, it is hoped, was done for some purpose: And if, at that time, any had doubted of the thing, he had certainly been judged most ridiculous: For it was by that addition concluded by all, That the *Confession* was to be sworn. And further, it appears plainly, by the Bishop of *Edinburgh* his *Vindication*, that, when he wrote it, he believed the *Confession* was to be sworn to, for he takes pains to justify it (though calumniously enough) alledging, *That it was hastily compiled, in the short space of four days, by some Barons and Ministers, in the infancy of our Reformation*. Where, by the by, you see that he makes no reckoning of what the Act of Parliament, to which the Test refers, expressly bears, viz. *That that second Ratification 1567*, which we only have recorded, *was no less than seven years after this Confession was first exhibited, and approved Anno 1560*. But moreover, he tells us, *That the Doctors of Aberdeen, who refused the Covenant, were yet willing not only to subscribe, but to swear this Confession of Faith*. Which again, to answer the Bishops Critick of *Four days*, was more than 70. years after it was universally received. It's true, that, when the Bishop finds himself straitned how to answer Objections, he is forced to make use of the new Gloss (I shall not call it of *Orleans*) whereby the Protestant Religion is made to be sworn to only as far as every Man pleases to interpret, and as far as may be consistent with any new principles of State. But the Parliament certainly (I do not speak ironically) did intend by this Test, to swear and assert the *True Protestant Religion, and the said Confession of Faith*, whatever may be now pretended. The Earl could not also but very well remember what his Highness had said to himself, about the inserting of the *Confession*; and no doubt, the Advocate, if ingenious, knows all this: For the thing was at that time matter of common talk, and indeed, till Papers objecting contradictions, and inconsistencies betwixt the *Confession* and the rest of the Test, began to be so numerous (which was about the end of *October*) that there was no possibility left to answer them, but by alledging, *That in the Test men do not swear to every article and proposition of the Confession, but only to the Protestant Religion therein contained*, this point was never doubted. And whether this answer be true, and a solid Vindication, consonant to the words of the Test, or a circulating evasion enervating all its force, let others judge. But the Advocate says, *When it was moved in Parliament to read the Confession, it was moved: Most true; and the reason given by the Bishops for it was, That it was new, they knew it, and it was already insert in the Acts of Parliament*: And, the truth was, the reading of it would have spent more time than was allowed on examining the whole Test. It was likewise late, after a long *Sedent*, and it was resolved to have the Act passed that night, and so it went on: But it was likewise moved to *read the Covenant, seeing it was to be disclaimed*, and this was flatly refused. And will the Advocate thence infer, That by the Test the *Covenant* is not abjured, albeit it be most certain, that many in the Parliament, at that time, had never read the one or the other? But to follow the Advocate's excursions, and answer them more particularly: The motion for reading the *Confession* being made on this very occasion, *Because it was to be insert in the Test and sworn to*, concludes enough against him: For no body can be so effronted as to say, it was used in Parliament as an argument not to read it, because it was not to be sworn to, but (though it cost a debate) it was plainly agreed to be sworn to, and therefore insert. 2dly, Can any man doubt, the *Confession* was to be sworn to, when it is notour that severals who were members of Parliament, and, by reason of offices they enjoyed, were called to swear the Test, pretending, with reason, tenderness of an Oath, did, before swearing, make a fashion at least of reading and studying the *Confession*, to satisfy themselves how far they might swear it. And that this was done by an Hundred, I can attest themselves. Lastly, It is certain that, when, in the end of *October*, the Bishop of *Edinburgh* did quarrel Sir *George Lockhart*, for causing the *Confession* to be insert in the Test, and he answered that without it a *Turk* might sign the Test, it was not then pretended by the Bishop that the *Confession* was not to be sworn to, and therefore he at that time had no reply.

But this is a debate, I confess, not altogether necessary for my present task, only thereby you may see ground enough for the Earl to believe the *Confession* was sworn to: And all that did swear, before the Councils Explanation, having sworn in that sense, and, for ought I know, all (except the Clergy) being by the Councils Act still bound to do so, It was not strange the Earl might be of this Opinion. And seeing that many of the Contradictions were alledged to arise hence, and the Earl being a Dissenter, it was yet less strange that the Earl did scruple; nor is it unreasonable that his modest Explanation should have a most benign acceptance.

This second pretence of aggravation is, *That His Majesty did not only bestow on the Earl his Lands and Jurisdictions, fallen into His Majesty's hands by the forfeiture of his Father, but also pardon him the crimes of Leasing-making and Misconstruing, whereof he was found guilty by the Parliament*



liament 1662. And raised him to the title and dignity of an Earl, and to be a member of all His Majesty's Judicatories. All which the Earl, as he hath ever, doth still most thankfully acknowledge. But seeing the Advocate hath no warrant to upbraid him with His Majesty's favours; and that these things are now remembered with a manifest design to raise dust, and blind strangers, and to add a very ill thing, Ingratitude, to the heap of groundless calumnies cast upon him, I must crave leave to answer a little more particularly, and refuse this new *Tout* (as the *Scotts* Proverb is) in an old *Horn*. This old *Leasing making* is then now brought in seriously after it hath been treated in ridicule for Eighteen years, by the very Actors who did never pretend to defend it in cold blood: And, were it not to digress too much, I could name the persons, and make them (if capable) think shame of their falshood and prevarications in that point, and of their abusing His Majesty, and prostituting Justice, but I forbear.

The Advocate, in his Book of Pleadings, makes this a *Stretch*, and says, *His Majesty rescinded it*. And His Majesty himself hath several times expressed his sense of the *stretch* made by some against the Earl, at that time. It is well known the Family of *Argyle* is both Ancient and Honourable, and hath been Loyal and Serviceable to the Crown for several Hundreds of years; but they must now be destroyed, for having done, and being able, as they say, to do too much, which others neither can nor will do.

Neither is the Advocate ignorant that the only failing that Family hath been charged with, in all that long tract of time, was a compliance of the late Marquess of *Argyle*, the Earl's Father, in the time of the late Usurpation, by sitting in the then Parliament of *England*, some years after all the standing Forces of the Kingdom were broken, His Majesty beyond Sea, the whole Countrey over-run, the Usurpers universally acknowledged, and neither probability of resistance, nor possibility of shelter left to any that were most willing to serve His Majesty, as the Advocate himself hath published in his Printed Pleadings, in which he likewise lays out the special and extraordinary Circumstances whereby the Marquess was necessitate to do what he did. And the compliance charged on him was so epidemick, that all others were pardoned for the same, except he alone, though none had such favourable Arguments to plead, and though he pleaded the same Indemnity that saved others. And seeing he submitted, and delivered up himself, and lost his Life, and seeing, at the same time of the Compliance that he suffered for, the Earl his Son was actually serving and suffering for His Majesty, as you find in the former part of this Letter, the Earl's Restitution was no less than He and his Family might well expect of His Majesty's Goodness and Justice. It is true, The Earl was again accused and condemned (which may appear indeed strange to such as know not all particulars) upon the same old Acts of *Leasing-making*, and with as little ground (if possible) as now, and was Pardoned by His Majesty, for which he hath often, and doth always acknowledge, that he owes to His Majesty both his Life and Fortune: But upon this occasion, and being baited as he is, he hopes His Majesty will not take it ill that he say, That His Majesty's Mercy was in this case determined by Justice: And for proof that His Majesty did then know him to be innocent, Did not His Majesty then say, *It was impossible to take a Man's Life upon so small an account?* Though nevertheless it had been done, if His Majesty had not interposed and pardoned him. Did not the Chancellor *Clarendon* (who was Patron to the most considerable of the Earl's pursuers) hearing of his Condemnation, *Bless God, he lived not in a Countrey where there were such Laws?* (He should have said *such Judges*) And I believe many more will say the same now. Did it not plainly appear, at that time, that his principal pursuers were very bitter, malicious, and unjust to him? For the Earl had not only served His Majesty in that troublesome and hazardous appearance in the Hills, but he had been particularly useful to Earl *Middletown*, then His Majesty's Lieutenant General, and had stood by him, when these deserted him, whom notwithstanding he took afterwards by the hand, when he was His Majesty's Commissioner in the year 1661. and then designed new Interests and new Alliances, whereof some did hold, and some never held. And then indeed it was, that he and others thought it proper for them to destroy the Family of *Argyle*, to make their own Fortunes; But it pleased God and His Majesty to dispose otherwise: Then it was that the Earl was so hotly pursued for his Life; having at that time no Fortune, all being in His Majesty's hands: Then was the accusation of Treason likewise urged by the same persons, and must have carried, but it was not found necessary, *Leasing-making* being sufficient to take his Life; and, as it falls out, when any Game is started, and the Hounds in chase, all the little Curs run alongs: So the Earl wanted not then many pursuers that are now scarce to be heard of. And further, some of the parties themselves confessed the particulars to the Earl afterwards, who yet now return to act their former parts, and that they had then laid down a resolution to intrap him, *per fas, aut nefas*; but notwithstanding all this ill humour and violence, all the ground they could get for a quarrel, in two years time, was one single Letter, among many

many they intercepted, the occasion and import whereof was as follows: About a Twelvemonth after the death of the late Marquess of Argyle, The Earl his Son being, by the loss of his Estate, and burden of his Debts, brought into straits, a Friend from *Edinburgh* wrote to him, then at *London*, to do what he could for himself at Court, and the sooner the better; for he needed neither expect Favour nor Justice from some in *Scotland*; and, if matters were delayed, his Father's whole Estate would be begg'd away in parcels. His Friend likewise complained, that the Earl did not write to inform his Friends in *Scotland*; and on this he insisted several post-days, which, at last, drew an answer from the Earl, that he had been to wait upon His Majesty, and had found him both just and kind to him, and doubted not the effects of his Royal favour; that he was sensible of his loss by delay, yet must proceed discreetly, and not press to give His Majesty trouble, but must take His Majesty's method, and wait his time; That he judged, much of what his Friend told him was true, but he must have patience: It was his misfortune that some took pains to make His Majesty believe, that the Parliament was his Enemy, and the Parliament to believe the King was his Enemy; and by such informations he was like to be a sufferer, but he hoped in God all should be well. *This blast must blow out, and will blow over: The King will see their tricks.* And upon this Letter, specially those last words, the Earl was accused of *Leasing-making betwixt King and Parliament, and that he expected changes*; and so had a great deal of the same stuff laid to his charge, as now you have heard: And if the now Register will produce the Earl's principal Letter, and the Paper the Earl gave in to the Parliament, these two would clear all, the Case then, and now, as you may see, *Mutatis Mutandis*, being much the same, and some of the same Tools used. But to go on, The Earl's words in that Letter being clear and plain, *viz. That he complained of others that reported Lies to the King and Parliament, but did himself report none to either*; He acknowledged the Letter, which could never have been proven to be his; and as soon as he heard that it was intercepted, did render himself to His Majesty before he was called for: But, which very much troubled him, had not access. Yet His Majesty was so gracious, that instead of sending him Prisoner to *Scotland* with a Guard (as was much pressed) he allowed him to go down on a Verbal Bail: And His Majesty was pleased to say, *That he saw nothing in the Earl's Letter against His Majesty or the Parliament; but believed the Earl did design to reflect on the Earl of Middleton.* The Earl came to *Edinburgh*, a fourthnight before the day appointed by His Majesty, and thought to have had the liberty of the City, till that day should come; but was sent to the Castle the next day after his arrival: Upon which he advertised His Majesty of his condition, who would hardly believe they would take his Life, till it was told plainly it was designed, and if he died it lay at His Majesty's door; upon which His Majesty was graciously pleased to send immediately an Order to the Earl of *Middleton*, not to proceed to Execution against him: Yet the Sentence of Death was pronounced, and the Day of Execution remitted by the Parliament to the Earl of *Middleton*: Which he accepted of, albeit he had no particular instruction for it from His Majesty, which, before a year went about, Earl *Middleton* found could not be justified by him, and some of the Earl's chief accusers were declared by His Majesty to be themselves *Leasing-makers*; And then the Earl, by His Majesty's favour and goodness, was restored to a part of his Predecessors Estate and Titles, which he took as thankfully, as if a new Estate, and new and greater Honours had been conferred upon him. And though His Majesty was pleased, at the granting of these Titles, to say, *He could help them when he pleased*; yet His Majesty knows, that the Earl never troubled him about any such matter, nor solicited him now these Eighteen years, for any Title, Office, or Employment, (though he confesses he had of all sorts) nor hath he been burthenfom to His Majesty's Exchequer (500 *l.* yearly for four or five years that the Earl served in the Treasury, being all that ever he touched of his Majesty's Money) albeit few attended more, and none so much that lived at his distance. He was also twice at *London*, to kiss His Majesty's hand, but still on his own Charges: Which things are not said to lessen His Majesty's bounty and goodness, whereof the Earl still retains all just, tender, and dutiful impressions; but to answer the Advocate, and to teach others to hold their peace, that cannot say so much.

His Life is known to have been True, Honest, and of a piece, and all alongs he hath walked with that straightness, that he can compare his Integrity with all that now attacke him.

By all which it is apparent, That what the Advocate here pretends for an aggravation, may well be accounted a *Second part of the Earl's Persecutions*; but cannot, in the least, impair either his Innocence, or his Honour.

Seeing therefore the ground of the Earl's present accusation, with all he either designed, said, or did, in this matter, was only that, when called, nay required to take the Test, and after leave first obtained from his Highness and Council, he did in their presence, before the giving of his Oath, declare, and propose to them the sense wherein he was wil-

ling to take it ; That this his sense neither contains, nor insinuates, the least slander, reproach, or reflection, either upon the King, the Parliament, or any Person whatsoever ; but, on the contrair, is in effect tenfold more agreeable to the words of the Test, and meaning of the Parliament that framed it, than the Explanation emitted by the Council ; and was also most certainly, the first day, by them accepted ; and, when the next day challenged, by him offered to be retracted, and refused to be signed : That the whole Indictment, and more especially that part of it about the Treason, is a meer Rapsody of the most irrational, absurd, and pernicious consequences, that ever the Sun beheld, not only forcing the Common rules of Speech, Charity, and Humanity, but ranverting all the Topicks of Law, Reason, and Religion, and threatening no less, in the Earl's person, than the ruine of every Man's Fortune, Life, and Honour ; That the Earl's Defences, and grounds of Exculpation, were most pregnant, and unanswerable, and either in themselves notour, or offered to be instantly verified. And lastly, That the aggravations pretended against him do either directly make for him, or most evidently discover the restless malice of some of his implacable enemies : Shall our Gracious King, who not only clearly understands Right, and hates Oppression, but also, to all his other excellent qualities, hath by his Gentleness and Clemency, even towards his Enemies, added that great Character of Goodness, upon vain and false insinuations, and unreasonable and violent stretches, not only take away the Life of an innocent person, but of one who himself, and his Family (be it said without disparagement) have, for a longer time, and more faithfully, and signally served His Majesty and the Crown, than any person, or Family of his degree and quality, of all his Persecutors can pretend to ? Shall his numerous Family, hopeful Children, his Friends and Creditors, all be destroyed ? Shall both former Services be forgot, Innocence oppressed, and all Rules of Justice, and Laws of society and humanity for his sake overturned ? Shall not only the Earl be cut off, and his noble and ancient Family extinguished, but his Blood and Memory tainted with as black and horrible a stain, as if he had conspired with *Jacques Clement, Ravillack*, The Gun-powder Miscreants, The Bloody *Irish* Rebels, and all the other most wicked and hainous Traytors of that Gang ? And all this for a meer imaginary Crime, whereof it is most certain, that no Man living hath, or can have, the least real conviction, and upon such frivolous allegations as all men see to be, at the top, meer Moon-shine ; and at the bottom, Villany unmixed.

After clearing these things, the Earl, it seems, intended to have addressed himself to His Majesty's Advocate in particular, and to have told him, that he had begun very timeously in Parliament to fall first on his heritable jurisdictions, and then upon his Estate, and that now he was fallen upon his Life and Honour, whereby it was easie to divine that more was intended, from the beginning, than the simple taking away of his Offices : seeing that some of them, on his refusing the Test, were taken away by the Certification of the Act of Parliament, and that those that were heritable he offered, in Parliament, to present and surrender to His Majesty on his knee, if His Majesty, after hearing him, should think it fit ; only he was not willing to have them torn from him, as hath been said ; and if that were all were designed, as was at first given out, the Advocate need not have let him on high, as *Naboth*, and accuse him as a Blaphemer of God and the King.

Then turning his Speech to the Lords of Justiciary, he thought to have desired that they would yet seriously consider his words, in their true sense and circumstances, his own Explanation of his Explication, and especially the foregoing matter of Fact to have been laid before them, with his Defences, and grounds of Exculpation ; as also to have told them, That they could not but observe how that he was singled out amongst Thousands, (against whom much more than all he is charged with could be alledged) and that they must of necessity acknowledg (if they would speak out their own Conscience) that what he had said was spoke in pure innocence, and duty, and only for the exoneration of himself, as a Christian, and one honoured to be of His Majesty's Privy Council (where he was bound, by his Oath, to speak truth freely) and not to throw the smallest reproach on either person or thing. Adding, That he was loath to say any thing that looks like a reflection upon His Majesty's Privy Council ; but if the Council can wrong one of their own number, he thought he might demand, If he had not met with hard measure ? For first he was pressed, and persuaded to come to the Council ; then they receive his Explanation, and take his Oath, then they complain of him to His Majesty, where he had no access to be heard ; and by their Letter, under their hands, affirm, That they had been careful not to suffer any to take the Test with their own Explanations, albeit they had allowed a thing very like it, first to Earl *Queensberry*, then to the Clergy : And the President, now Chancellour, had permitted several Members of the College of Justice to premise, when they swear the Test, some one sense, and some another, and some nonsense, as one saying he took it, *in sano sensu* ; another making a Speech that no Man understood ; a third, all the time of the reading, repeating, *Lord have mercy upon me miserable sinner* : Nay, even an Advocate, after being debarred a few days, because albeit no Clerk, yet he would not take it without



the benefit of his Clergy, viz. the Councils Explanation, was yet thereafter admitted without the Warrant of the Councils Act: but all this in the Case of so many other was right and good. Further the Council expressly declare the Earl to be Guilty, before he had ever said one word in his own defence. Thereafter some of them become his Assizers, and others of them witnesses against him; and after all, they do of new concern themselves, by a Second Letter to His Majesty (wherein they assert, That after full debate, and clear probation, he was found guilty of Treason, &c.) to have a sentence past against him, and that of so high a nature, and so dreadful a consequence, as suffers no person to be unconcerned, far less their Lordships his Judges, who upon grounds equally just, and which is more, already predetermined by themselves, may soon meet with the same measure, not only as Concealers of Treason, but upon the least pretended disobedience, or non-compliance with any Act of Parliament: and, after all, must infallibly render an account to God Almighty. He bids them therefore lay their hands to their hearts, and whatever they shall judge, he is assured that God knows, and he hopes all unbiased men in the World will, or may know, he is neither guilty of Treason, nor any of the Crimes libelled. He says he is glad how many out-do him in asserting the true Protestant Religion, and their Loyalty to His Majesty; only, he adds, If he could justify himself to God, as he can to His Majesty, he is sure he might account himself the happiest man alive. But yet, seeing he hath a better hope in the mercy of God through Jesus Christ, he thereupon rests, whether he finds Justice here on Earth, or not. He says, he will add nothing to move them either to tenderness or pity; he knows that not to be the place, and pretends to neither from them; He pleads his Innocence, and craves Justice, leaving it to their Lordships to consider not so much his particular Case, as what a Preparative it may be made, and what may be its Consequences: And if all he hath said, do neither convince, nor persuade them to alter their judgment, yet he desires them to consider, whether the Case do not, at least, deserve to be more fully represented, and left to His Majesty's wisdom and justice, seeing that if once the matter pass upon record for Treason, it is undoubted, that hundreds of the best, and who think themselves most innocent, may, by the same methods, fall under the like Condemnation, whenever the King's Advocate shall be thereto prompted.

And thus you have a part of what the Earl intended to have said, before pronouncing Sentence, if he had not made his Escape before the day: Yet some things I perceive by his Notes are still in his own breast, as only proper to be said to His Majesty. I find several Quotations out of the Advocate's printed Books, that, it seems, he was to make some use of; but, seeing it would have been too great an interruption to have applied them to the places designed, I have subjoined them together, leaving them to the Advocate's own, and all mens consideration.

It was by some remarked, That when the Lords of Justiciary, after the ending of the first days debate, resolved that same night to give judgment upon it, they sent for the Lord Nairn, one of their number, an old and infirm man, who being also a Lord of the Session, is so decayed through age, that he hath not for a considerable time, been allowed to take his turn, in the Outer-house (as they call it) where they judge lesser Causes alone: But notwithstanding both his age, and infirmity, and that he was gone to bed, he was raised, and brought to the Court, to consider a Debate, a great deal whereof he had not heard, in full Court; and withal, as is informed, while the Clerk was reading some of it, fell of new asleep.

It was also remarked, that the Lords of Justiciary being, in all, five, viz. the Lord Nairn above-mentioned, with the Lords, Collintoun, Newtown, Hirkhouse, and Forret, the Libel was found relevant only by the odds of three to two, viz. the Lord Nairn aforesaid, the Lord Newtown, since made President of the Session, and the Lord Forret, both well enough known, against the Lord Collintoun, a very ingenious Gentleman, and a true old Cavalier, and the Lord Hirkhouse, a learned and upright Judge: As for the Lord Justice General, who was also present, and presided, his vote, according to the constitution of the Court, was not asked.

But to return to my Narrative, the Earl, as I have already told you, did not think fit, for reasons that you shall hear, to stay till His Majesty's return came to the Council's last Letter, but, taking his opportunity, made his escape out of the Castle of Edinburgh, upon Tuesday the Twentieth of December, about eight at night, and, in a day or two after, came His Majesty's Answer here subjoined.

*The King's Answer to the Council's Letter.*

December 18. 1681.

C. R.

**M**OST dearly, &c. having this day received your Letter of the 14th instant, giving an account, that our Advocate having been ordered by you to insist in that Process raised at our instance against the Earl of Argyle, he was, after full debate, and clear probation, found guilty of Treason, and Leasing-making betwixt us, our Parliament, and our People; and the reproaching our Laws and Acts of Parliament: We have now thought fit, notwithstanding of what was ordered by us in our Letter to you of the 15th of November last, hereby to authorize you to grant a Warrant to our Justice General, and the remanent Judges of our Justice Court, for proceeding to pronounce a Sentence, upon the Verdict of the Jury, against the said Earl; nevertheless it is our express pleasure, and we do hereby require you, to take care, that all execution of the Sentence be stopped, until we shall think fit to declare our further pleasure in this Affair: For doing whereof, &c.

Which Answer being read in Council on the *Thursday*, and the Court of Justiciary, according to its last Adjournment, as shall be told you, being to meet upon the *Friday*, after a little hesitation in Council whether the Court of Justiciary could proceed to the Sentence of Forfeiture against the Earl, he being absent, it was resolved in the affirmative; And what were the grounds urged, either of hesitation or resolution, I cannot precisely say, there being nothing on record that I can learn. But that you may have a full, and satisfying account, I shall briefly tell you what was ordinarily discoursed, a part whereof I also find in a Petition given in by the Countess of *Argyle* to the Lords of Justiciary, before pronouncing sentence, but without any answer or effect. It was then commonly said, that by the old Law, and Custom, the Court of Justiciary could no more in the case of Treason, than of any other Crime, proceed further against a Person not compearing, and absent, than to declare him Out-Law, and Fugitive: And that, albeit it be singular, in the case of Treason that the Trial may go on, even to a final Sentence, though the Party be absent, yet such Trials were only proper to, and always reserved for Parliaments: And that so it had been constantly observed until after the Rebellion in the Year 1666: But there being several Persons notoriously engaged in that Rebellion, who had escaped, and thereby withdrawn themselves from Justice, it was thought, that the want of a Parliament, for the time, ought not to afford them any immunity; and therefore it was resolved by the Council, with advice of the Lords of Session, that the Court of Justiciary should summon, and proceed to trial, and sentence, against these Absents, whether they compeared or not, and so it was done: Only because the thing was new, and indeed an innovation of the old Custom, to make all sure, in the first Parliament held thereafter, in the Year 1669. it was thought fit to confirm these Proceedings of the Justiciary, in that point, and also to make a perpetual Statute, that, in case of *open Rebellion, and Rising in Arms* against the King, and Government, the Treason, in all time coming, might by an Order from His Majesty's Council be tried, and the Actors proceeded against by the Lords of Justiciary, even to final sentence, whether the Traytors compeared, or not. This being then the present Law, and custom, it is apparent in the first place, that the Earl's Case, not being that of an *open Rebellion, and Rising in Arms*, is not at all comprehended in the Act of Parliament; So that it is without question, that, if in the beginning he had not entered himself Prisoner, but absented himself, the Lords of Justiciary could not have gone further, than, upon a citation, to have declared him *Fugitive*. But others said, that the Earl having both entered himself Prisoner, and compeared, and after debate having been found guilty, before he made his escape, the case was much altered. And whether the Court could, notwithstanding of the Earl's intervening escape, yet go on to sentence, was still debatable: for it was alledged for the affirmative, that seeing the Earl had twice compeared, and that, after debate, the Court had given judgment, and the Assize returned their Verdict, so that had nothing remained but the pronouncing of Sentence; it was absurd to think that it should be in the power of the Party, thus accused, and found guilty, by his escape to frustrate Justice, and withdraw himself from the punishment he deserved. But on the other hand it was pleaded for the Earl; That first, It was a fundamental Rule, *That until once the Cause were concluded, no Sentence could be pronounced*: Next that, it was a sure Maxim in Law, that in *Criminal Actions* there neither is, or can be any other conclusion of the cause than the Parties presence and silence; So that, after all that had past, the Earl had still freedom to add what he thought fit, in his own defence, before pronouncing sentence, and therefore the Lords of Justiciary could no more proceed to sentence against him, being escaped, than if he had been absent from the beginning, the Cause being in both cases equally not concluded, and the principle of Law uniformly the same, *viz. That in Criminals* (except in cases excepted) *no final Sentence can be given in absence*: For, as the Law,

Law, in case of absence from the beginning, doth hold that just temper, as neither to suffer the Contumacious to go altogether unpunished, nor, on the other hand, finally to condemn a party unheard. And therefore doth only declare him Fugitive, and there stops: So in the case of an Escape, before Sentence, where it cannot be said the Party was fully heard, and the Cause concluded, the Law doth not distinguish, nor can the parity of Reason be refused. Admitting then that the Cause was so far advanced, against the Earl, that he was found guilty: Yet 1. This is but a declaring of what the Law doth as plainly presume against the Party absent from the beginning, and consequently, of it self can operate no further. 2dly, The finding of a Party guilty is no conclusion of the Cause. And 3dly, As it was never seen, nor heard, that a Party was condemned in absence, (except in excepted Cases) whereof the Earl's is none; so he having escaped, and the Cause remaining thereby unconcluded, the general rule did still hold, and no sentence could be given against him.

It was also remembred, that the Dyets and days of the Justice Court are peremptour; and that in that case, even in Civil, far more in Criminal Courts and Causes, a Citation to hear Sentence is constantly required: which induced some to think, that at least the Earl should have been lawfully cited to hear Sentence, before it could be pronounced. But it is like this course, as contesting a difficulty, and occasioning too long a delay, was therefore not made use of. However, upon the whole, it was the general Opinion, That seeing the denouncing the Earl Fugitive would have wrought much more in Law, than all that was commonly said, at first, to be designed against him: And that his Case did appear every way so favourable, that impartial men still wondered how it came to be at all questioned; it had been better to have sifted the Process, with his Escape, and taken the ordinary course of Law, without making any more stretchings.

But as I have told you, when the Friday came, the Lords of Justiciary, without any respect, or answer given to the Petition above-mentioned, given in by the Countess of Argyle to the Court for a stop, pronounced Sentence, first in the Court, and then caused publish the same, with all solemnity, at the Mercat-Cross at Edinburgh.

*Forasmuch as it is found by an Assize, That Archibald, Earl of Argyle, is guilty and culpable of the Crimes of Treason, Leasing-making, and Leasing-telling, for which he was detained within the Castle of Edinburgh, out of which he has now since the said Verdict made his Escape: Therefore the Lords Commissioners of Justiciary decern and adjudge the said Archibald, Earl of Argyle, to be executed to the death, demeaned as a Traytor, and to underly the pains of Treason, and other punishments appointed by the Laws of this Kingdom, when he shall be apprehended, at such a time, and place, and in such manner as his Majesty in his Royal pleasure shall think fit to declare and appoint: And his Name, Memory, and Honours, to be extinct: And his Arms to be riven forth, and delete out of the Roll of Arms, so that his Posterity may never have place, nor be able hereafter to bruike or joyse any Honour, Offices, Titles, or Dignities, within this Realm in time coming; and to have forfeited, amitted, and tint, all and sundry his Lands, Tenements, annual-rents, Offices, Titles, Dignities, Tacks, Steedings, Rowmes, Possessions, Goods, and Geere whatsumever pertaining to him, to our Sovereign Lord, to remain perpetually with his Highness in property. Which was pronounced for Doom-- 23 Dec. 1681.*

After the reading (and publishing) whereof, The Earl's Coat of Arms, by order of the Court, was also torn, and ranversed, both in the Court, and at the Mercat-Cross. Albeit some thought that this was rather a part of the Execution, which His Majesty's Letter discharges, than a necessary Solemnity, in the Publication: and the Advocate himself says, p. 61. of his printed Criminals, That it should only be practised in the Crime of Perduellion, but not in other Treasons.

*The Reasons and Motives of the Earl's Escape, with the Conclusion of the whole Narrative.*

THE Earl's Escape was at first a great surprise, both to his Friends and Unfriends: for, as it is known that his Process, in the beginning, did appear, to the less concerned, more like a piece of pageantry, than any reality; and even by the more concerned was accounted but a politrick Design, to take away his Offices, and lessen his Power and Interest: So neither did any of his Friends fear any greater hazard, nor did most of his Unfriends imagine them to be more apprehensive. Whereby it fell out, that upon report of his Escape, many, and some of his Well-wishers, thought he had too lightly abandoned a fair Estate, and the probable expectation he might have had of His Majesty's favour: As also some, that were judged his greatest Adversaries, did appear very angry, as if the Earl had taken that course, on purpose to load them with the odium of a design against his life. And truly, I am apt to think, it was not only hard and unequal for others to believe, that a Person of the Earl's quality, and character, should, upon so slender a pretence, be destroyed, both as to



life, and fortune, but also that he himself was slow enough to receive the impressions necessary to ripen his Resolution; and that if a few Accidents, as he says himself, happening a little before his escape, had not as it were opened his eyes, and brought back, and presented to him several things past, in a new light, and so made all to operate to his final determination, he had stayed it out to the last.

Which that you may the better understand, you may here consider the several Particulars, that, together with what he himself hath since told some Friends, apparently occurred to him in these his second thoughts, in their following order.

And first you have heard, in the beginning of this Narrative, what was the first occasion of the Earl his declining in his Highness's favour: You may also remember, that his Majesty's Advocate takes notice, that he debated against the Act enjoining the Test, in the Parliament: And, as I have told you, he was indeed the Person that spoke against excepting the King's Brothers, and Sons, from the Oath then intended for securing the Protestant Religion, and the Subjects Loyalty, not thinking it fit to complement with a Privilege where all possible caution appears rather to be necessary: And this a Reverend Bishop told the Earl afterwards had downright fired the kiln. What thereafter happened in Parliament, and how the Earl was always ready to have laid all his Offices at his Majesty's feet: And how he was content, in Council, to be held a Refuser of the Test, and thereby incur an intire deprivation of all publick Trust, is above fully declared; and only here remembered, to shew what Reason the Earl had, from his first coming to *Edinburgh*, in the end of *October*, to think that something else was intended against him than the simple devesting him of his Employments and Jurisdctions. And yet such was his assurance of his Innocence, that when ordered by the Council to enter his Person in Prison under the pain of Treason, he entered freely, in an Hackney Coach, without either hesitation or noise, as you have heard.

2dly, The same day of the Earl's Commitment, the Council met, and wrote (as I have told you) their Letter to his Majesty, above set down, Num. 22. Wherein they expressly charge him with Reproaching; and depraving; but yet neither with Perjury nor Treason: and a few days after, the Earl wrote a Letter to his Highness; wherein he did endeavour to remove his Offence, in terms that, it was said, at first had given satisfaction: But yet the only return the Earl had, was a Criminal Summons containing an Indictment, and that before any Answer was come from His Majesty. And then, so soon as his Majesty's Answer came, there was a new Summons sent him, with a new Indictment, adding the Crimes of Treason and Perjury to those of Reproaching and Depraving, which were in the first Libel, as you have heard above; whereby you may perceive, how early the Design against the Earl began to grow, and how easily it took encrease, from the least encouragement.

3dly, When the Earl petitioned the Council for Advocates to plead for him: Albeit he petitioned twice, and, upon clear Acts of Parliament, yet he had no better Answer than what you have above set down. And when the Earl's Petition, naming Sir *George Lockhart* as his ordinary Advocate, was read in Council, his Highness openly threatned, that in case Sir *George* should undertake for the Earl, he should never more plead for the King, nor him. But the Earl taking Instruments upon Sir *George* his refusal, and giving out, that he would not answer a word at the Bar, seeing the benefit of Lawyers, according to Law, was denied him; Sir *George*, and other Lawyers, were allowed to assist him, but still with a grudge. Likewise afterwards, they were questioned and convened before the Council, for having, at the Earl's desire, signed their positive Opinion of the Case. At which time it was also said in Council by his Highness, That their fault was greater than the Earl's: However, we see that as he was the occasion of the anger, so he hath only found the smart of it.

4thly, The whole Process, with the Judgment of the Lords of Justiciary, and Verdict of the Assize, whereby the Earl was found guilty, as you have seen (notwithstanding of what hath so plainly appeared, and was so strongly pleaded in his behalf) of Leasing-making, Depraving, and Treason, is of it self a clear demonstration, that either the highest punishment was intended for so high a guilt; or that, at least, it was no small humiliation that some designed for him: It being equally against reason, and prudence, setting aside the Interest of Justice, to strain things of this nature beyond the ends truly purposed, and which, in effect, are only the more to be suspected, the more they are concealed.

5thly, The Process being carried on to the Verdict of the Assize, and the Council being tied up by His Majesty's Letter, before pronouncing Sentence, to send a particular account to His Majesty of what the Earl should be found guilty of, for His Majesty's full information: The Council doth indeed dispatch away a new Letter immediately, for His Majesty's leave to proceed; but instead of that particular account required by His Majesty, for his full information, all the information was ever heard of to be sent by the Council, was what is contained in the body of the Letter, wherein they, briefly, but positively, affirm, *That after full debate, and clear probation, he was found guilty of Treason.* Which, all men must say, was far better contrived to prompt his Majesty to a speedy allowance, than to give him that particular information of the case which His Majesty's Letter expressly requires, and the Earl expected should have been performed.

But further, the Council was commanded to sign this Letter, not simply in the ordinary form, but by a special Command laid on every Member, and the Clerk appointed to go about and get their Subscriptions, telling them *they were Commanded*; and complaining to the Duke when any scrupled to do it. The strictness of which Orders is apparent enough from the very Subscriptions, where you may not only read the names of Bishops subscribing in *causa sanguinis*, but some of the Earl's Friends and Relations who wanted Courage to refuse; And, in effect, how many of all the Members did it willingly, is hard to say; seeing generally they excuse the deed in private.

6thly, About a week or two before the Trial, the Earl had notice, that at a *close Junta*, where were Persons of the greatest eminency, it was remembered by one present, how that Anno 1663. The Earl had been pardoned by His Majesty, after he had been found guilty by the Earl of Middleton and that Parliament. And that then it was looked on as an Error in the Earl of Middleton, that he had not proceeded to Execution, albeit His Majesty had given command to the contrary, because (as it was said) it would have been but the same thing to him. But now, adds this kind Remembrancer, *The case is much more easy: Now his Royal Highness is on the Throne: It might have cost Earl Middleton a frown, but now it can signify nothing, but will rather be commended in his Royal Highness, as adding freely to himself.* The stop of the sentence looks like a distrust; but this will vindicate all, and secure all. And as the first part of the Story the Earl remembered well he had heard it from the same Person, An. 1664. and had reported it to the Duke of Lauderdale a little after; so the second part being of a very well known dialect, could not but give the Earl the deeper impressions. It was further told the Earl, at the same time when the Councils Letter to obtain His Majesty's assent to the pronouncing Sentence, and leaving all to discretion, was sent, that it was thought fit that nothing should appear but fair weather till the very close. Yet was the Earl so confident of his own Innocence, and His Majesty's Justice, that he did not doubt but His Majesty, seeing the Process, would at least put a stop to the Sentence. But after the Councils Letter was gone, in such terms as you have seen, to seek Liberty from His Majesty to proceed to Sentence (without either double, or abbreviate of the Process with it) and no doubt smooth insinuations made with it, that all designed was to *humble the Earl, or clip his wings*: And that this Letter was halted away by a fleeing Packet, to prevent the Earl's Application, which it could not but do; and so could not but have weight, and prevail with His Majesty, (to whom the Earl's Petition, as coming too late, was indeed never presented) Then, and not till then, the Earl began to have new thoughts.

7thly, The Earl's Trial having been upon Monday and Tuesday, the 12th and 13th of December; upon the 14th, the Councils Letter was dispatched; and upon the 15th, the Earl intreated, by a friend, for liberty to speak to his Royal Highness; whose Answer was, *That it was not ordinary to speak to criminals, except with Rogues on some Plot, where discoveries might be expected*: Yet his Highness said, he would advise upon it. But, upon Friday the 16th, he did refuse it. Yet the Earl did renew his suit, and urged, That he had sent a Petition to His Majesty, which was the first he had sent upon that occasion, and that, before the return should come, he was desirous to have his Highness Answer, that he might owe some part of the favour he expected, to his Highness.

But on Monday morning, the 19th, the Earl was told, he was not like to have any access; and in the afternoon, he heard that the return of the Councils Express was looked for, on Thursday the 22d. being the Council day. And further, That the Justice Court (which according to its custom had sat the same Monday, and, in course, should have adjourned till Monday the 26th of December, or, because of Christmas, to the first Monday of January) was, for the Earl's sake, adjourned till Friday the 23d. to the end, that immediately upon the King's return, they might pronounce Sentence. He was moreover informed, that his Royal Highness was heard say, That if the Express returned not timously, he would take upon himself what was to be done. Which being general, and dark, was the more to be suspected. All this, the Earl told, made him the same Monday late, cast in his thoughts whether it were not fit for him to attempt an escape; but his doubtings were so many he could resolve nothing, that night, except to put off till Wednesday. Yet on Tuesday morning he began to think, if he did at all design to escape, he had best do it that same evening. However he was, even then, not fully resolved, nor had he as yet spoke one word of it to any mortal. But about Ten of the Clock this Tuesday, his Highness absolute refusal to suffer the Earl to see him, until His Majesty's Return came, was confirmed: And about Noon the Earl heard that some Troops, and a Regiment of Foot were come to Town; and that the next day he was to be brought down from the Castle to the Common Jail (from which Criminals are ordinarily carried to Execution) and then he resolved to make his escape that very Night, and yet did not conclude it thoroughly till five of the Clock in the Evening: At which time he gave directions about it, not thinking to essay it, till near Ten: But at Seven, one coming up from the City, and telling him that new Orders were privately given for further securing of him; That the Castle Guards were doubled,

doubled, and none suffered to go out without showing their faces, and that some Ladies had been already put to do it, and therefore dissuading him to attempt any escape, because it was impossible: The Earl said, *No, then it is full time.* And so he made haste, and within half an hour after, by God's blessing, got safe out, questioned pretty warmly by the first Centry, but not at all by the Main-guard; and then, after the great Gate was opened, and the lower Guard drawn out double, to make a Lane for his Company, one of the Guard who opened the Gate, took him by the Arm, and viewed him; but it pleased God he was not discerned. When he was out, he was not fully resolved whither to go. Home he had judged safest; but he thought it might breed Mistakes and Trouble that he designed not: So he resolved to go for *England*, and to take the Road, That by Post he might be His Majesty's first informer of his escape. But being disappointed of Horses that he expected, he found that the notice of his escape was got before him; and soon after, as he came the length of *Newcastle*, heard that His Majesty had given way to pronounce Sentence against him, according as he had apprehended from the circumstances and other grounds I have told you; which made him judge, it would be an indiscreet presumption, in that state, to offer himself to his Majesty, while he knew none durst address him, and so he rather chused to shift in the wide World, till His Majesty might be at some greater freedom both to understand his Case, and apply suitable Remedies. His Majesty's clear and excellent understanding, and gracious and benign disposition, do fully assure him, that His Majesty doth not, in His thoughts, charge him with the least Disloyalty, and that he hath no Complacency in his ruine. But if His Majesty do, at present, lye under the pressure of some unlucky influences, not so easie to his Royal inclinations, the Earl, it seems, thinks it reasonable to wait patiently for a better opportunity. It may indeed appear strange, that Innocence and Honour oppressed in his Person, almost beyond a parallel, should not, ere now, have constrained him to some publick Vindication; especially when to the horrid Sentence given against him, his Adversaries have further prevailed to cause His Majesty dispose, not only of his Heritable Offices and Jurisdictions (the pretended eye-sore); but also upon his whole Estate and Fortune, with as little consideration of the Earl's personal Interest, as if he had fallen for the blackest Treason, and most atrocious *Parricide*. But, besides that some things are of themselves so absurdly wicked, that all palliating pretences do only render them the more hateful; and the very simple hearing doth strike with an horror, not to be heightened by any representation: Next that the Earl, being so astonishingly overtaken for words, as fairly and honestly uttered as he could possibly devise, doth, with reason, apprehend that there is nothing he can say in this matter, though with the serene mind, and in the greatest truth and sobriety, that may not be construed to flow from a design to lay blame where hitherto he hath been tender to give any ground of offence. I say (besides these things) he is withal (I know) most firmly persuaded, That, if ever he shall have the happiness to be once heard by His Majesty, and in his presence allowed to explain a few Particulars, in Duty here omitted, His Majesty's Justice and Goodness will quickly dispel all the Clouds that now hang over him, and restore him to that favour wherein he hath sometime reckoned himself very happy, and which he will ever be most ready to acknowledge. And therefore all that in the mean time he judged necessary, or would give way to, was that for preserving the remembrance of so odd a Transaction, until a more seasonable juncture, some Memorials should be drawn, and deposited in sure keeping; which being grown under my hand unto this Narrative, I thought I could not better observe his Order, than by transmitting it to your faithful custody. I have carefully therein observed the Truth, in point of fact, avouching nothing but upon the best and clearest evidence can possibly be expected; nor have I, as to the manner, licensed or indulged my self in any severity of expression, which, I thought, could be justly, in such a case, omitted, without betraying the Cause. Yet if you now, or any other hereafter, shall judge, that I do sometime exceed, let it not be imputed to him; for as he did indeed charge me to guard against any more warm or vehement expression, than the merit and exigence of the subject do indispensibly require; so I am assured that he silently and patiently waits on the Lord, committing his way to him, and trusting in him, that he may bring it to pass; and that *He shall bring forth his righteousness as the light, and his judgment as the noon-day.*

## P O S T S C R I P T.

S I R,

**H**AVING in this Narrative sometimes adduced, as you have seen, the Advocate's own Authority, *ad hominem*, I shall here, as I promised, subjoin such passages out of his Printed Book, as, though they deserved not a place above, may yet make a pertinent *Postscript*.

And,



And, omitting what in that Book, called, *The Laws and Customs of Scotland in Matters Criminal*, he frequently repeats, from the known grounds of Law, of the nature of Crimes, and the design of Criminal Laws; viz. 'That as there can be no Crime without a fraudulent purpose, either apparent or proven; So it was the design of Lawgivers, only to punish such Acts as are designedly malicious. I desire you only to consider the particulars following: And,

1. Pag. 11. l. 7. of his *Book of Criminals*, having made the question, 'Whether what tends to a Crime, not perfected, doth fall under the Statute, or Law, by which that Crime to which it approaches is punished: He instances in the Crime of Misconstruing His Majesty's Government, and Proceedings, or depraving his Laws, which, as he says, is punishable by death, *Ja. 6. Par. 10. Act 10.* And then further moves, Whether Papers, as tending to misconstrue His Majesty's Proceedings, and Government, or bearing insinuations which may raise in the people jealousy against the Government, be punished by that Law? Which being one of the great Crimes pretended and libelled against the Earl, I shall here (omitting his Reasons in the affirmative, which have not the least ground in the Earl's Case, as you have heard) represent to you, how exactly he himself, and others, have acted for the Earl's overthrow, all these dangerous and pernicious things, from which he argues in the Negative. His words then are these:

And that such insinuations and tendencies are not punished criminally, He says, 1. It is the interest of mankind to know expressly what they are to obey, especially where such great Certifications are annexed, as in Crimes. 2. The Law, having taken under its consideration this guilt, has punished the actual misconstruing, or depraving; but has not declared such insinuations or tendencies punishable: *Et in statutis casus omisus habetur pro omisso.* 3. This would infallibly tend to render all Judges Arbitrary; for tendencies and insinuations are in effect the product of conjecture, and Papers may seem innocent, or criminal, according to the zeal, or humour, as well as malice of Judges; Men being naturally prone to differ in such consequential inferences, and too apt to make constructions in such, according to the favour or malice they bear to the Person or Cause: Are not some men apt to construct that to tend to their dishonour, which was designed for their honour? and to think every thing an innovation of Law or Privilege, which checks their inclination and design? Whereas some Judges are so violent in their Loyalty, as to imagine the meanest mistakes do tend to an opposition against Authority; and thus Zeal, Jealousie, Malice, or Interest, would become Judges. 4. Men are so silly, or may be in such haste, or so confused, (and the best are subject to such mistakes) as that no Man could know when he were innocent; simplicity might oft times become a Crime, and the fear of offending might occasion offence, and how uncomfortably would the people live, if they knew not how to be innocent.

Idly, P. 47. l. 9. Of the same Book, he says, 'That the eighth point of Treason is to impugn the Dignity and Authority of the three Estates; or to seek, and procure the innovation and diminution of their Power and Authority, *Act 103. Ja. 6. p. 6.* Now this being another of the Crimes charged upon the Earl, hear how the Advocate there understands it. 'But this (he adds immediately) is to be understood of a (N. B.) direct impugning of their Authority; as if it were contended, that Parliaments were not necessary, or that one of the three Estates might be turned out. Which how vastly different from his indirect, forced, and horrible inferences, in the Earl's Case, is plain and obvious.

Idly, Ibid. p. 58. l. 2. After having said, 'That, according to former Laws, no sort of Treason was to be pursued in absence before the Justices; and urging it to be reasonable, he adds, 'Nor is it imaginable, but if it had been safe, it had been granted formerly. And Idly, he says, 'The Justices are never allowed, even by the late Act of Parliament, to proceed to sentence against absents, but such as are pursued for Rising in Arms against the King. The true reason whereof, he tells us, is that the Law is not so inhumane as to punish equally presumed and real guilt: And that it hath been often found, that men have absented themselves, rather out of fear of a prevailing Faction, or corrupt Witnesses, &c. than out of consciousness of guilt: Reasons which albeit neither true nor just, (seeing that the Law punishes nothing, even in case of absence, but either manifest contumacy, or Crimes fully proven: And that the only reason why it allows no other Crime save *Perduellion* to be proceeded against in absence, is because it judges no other Crime *tanti*) yet you see how this whole passage quadrates with the Earl's Case; who being neither pursued for *Perduellion*, nor present at giving Sentence, was yet sentenced in absence, as a most desperate Traytor.

Idly, Ibid. p. 60. l. 24. Speaking of the Solemnities used in Parliament, at the pronouncing Sentences for Treason, viz. That the Pannel receives his Sentence kneeling; and that after the doom of Forfeiture pronounced against him, the Lyon, and his Brethren the Heraults in their Formalities, come and tear his Coat of Arms at the Throne; and thereafter, hang up his Escutcheon ranvered upon the Mercat-Cross: He adds, 'But this, I think, should only hold in the Crime of *Perduellion*; and then goes on to add, That the Children

of the Delinquent are declared incapable to buik any Office or Estate, is another Speciality introduced in the punishment of *Perduellion* only. And yet both these terrible Solemnities were practised against the Earl, even by a Court of Justiciary, and not in Parliament; albeit he was not accused of *Perduellion*, nor be indeed more guilty of any Crime than all the World sees.

5thly, *Ibid.* page 303. *ult.* He says, 'That verbal injuries are these that are committed by unwarrantable expressions, as to call a Man a Cheat, a Woman Whore: But because expressions may vary, according to the intention of the speaker; therefore except the words can allow of no good sense, as Whore or Thief, or that there be strong presumptions against the speaker, the *injuriandi animus*, or design of injuring, as well as the injuring words, must be proven; and the speaker will be allowed to purge his guilt by declaring his intention; and his declaration, without an Oath, will be sufficient. 2dly, The pursuer should libel the design, and prove it, except the words clearly infer it. 3dly, The pursuer is presently to resent the injury, and if, at first, the words be taken for no injury, they can not afterward become such. Which things, being applied to the Earl's words, do evidently say, That unless his words could allow of no good sense, or that there were strong presumptions against him, or that he could not purge his guilt, by declaring his intention, or that his words did clearly infer the guilt, there could be no Crime of Slandering, Reproaching or Depraving, charged against him, except the *injuriandi animus*, as well as the words, had been both libelled, and proven. But so it is that his words do manifestly allow of a good sense, that there is not the least presumption of injury can be alledged against him; That he did most plainly purge himself of all suspicion of guilt, by declaring his sound and upright intention; and that his words do not infer, either clearly, or unclearly, the smallest measure of guilt; and withal neither was the *injuriandi animus* at all proven: But on the contrary, the words at first were taken for no injury; so that they could not afterward become such, as is above fully cleared: *Ergo*, Even the Advocate being Judge, the Earl is no Slanderer.

6thly, If it were necessary, I could further tell you several things that he alledges to be sufficient for purging a Man of any criminal intention: As, where he says, *Ibid.* p. 363. l. 2. 'That, in matters of fact, persons, even judicious, following the Faith of such as understand, are to be excused. And l. 30. 'That, if it appear by the meanness of the crime (he should say the smallness of the deed: And what can be less than the uttering of a few words in the manner that the Earl spoke them?) that there was no design of transgression; And that the committer designed not, for so small a matter to commit a crime (much less such horrid ones as Depraving and Treason). In that case, the meanness of the transgression (or deed) ought to defend against the relevancy, &c. But to give you one instance for all, how much the Advocate may, one day or other, be obliged to plead the innocence of his intentions, to free himself of words downright in themselves slanderous and depraving an Act of Parliament, much better nor he understands it, and in fresh and constant observance. *Ibid.* p. 139. towards the middle, speaking of the 151st Act, *Ja.* 6. P. 12. Whereby it is Statute: 'That seeing divers exceptions and objections rise upon criminal Libels, and parties are frustrate of Justice by the alledged irrelevancy thereof. That in time coming all Criminal Libels shall contain, that the persons complained on are *Art and Part* of the Crimes Libelled; which shall be relevant to accuse them thereof: swa that no exception, or objection take away that part of the Libel in time coming. He says, 'That he finds no Act of Parliament more unreasonable; for the Statutory part of that Act, committing the Tryal of Art and Part to Assizers, seems most unjust: Seeing in committing the greatest questions of the Law to the most ignorant of the Subjects, it puts a sharp Sword into the hands of blind men. And the reason of this Act specified in the Narrative, is likewise most inept, and no ways illative, &c. What Reproaches! What Blasphemies! The Earl said not one word against any Act of Parliament: But on the contrary, That he was confident the Parliament intended no contradiction; and that he was willing to take the Test in the Parliaments sense. But here the Advocate both says and Prints it, That an Act of Parliament is most unreasonable, and most unjust, and it's reason most inept, and that it puts a sharp Sword in the hands of blind men. Whereof the smallest branch is infinitely more reproachful than all can be strained out of the Earl's words. But, Sir, Speculation is but Speculation; and if the Advocate, when his day comes, be as able to purge himself of Practical Depravations, as I am inclined to excuse all his Visionary Lapses, notwithstanding of the famous Title, *Quod quisque juris in alterum statueris ut ipse eodem jure utatur*, he shall never be the worse of my censure.

Murther will out : Or, the King's Letter, justifying the Marquess of Antrim ; and declaring, That what he did in the Irish Rebellion, was by Direction from his Royal Father and Mosher, and for the service of the Crown.

Ireland, Aug. 22. 1663.

Ever honoured Sir,

**L**AST Thursday we came to Trial with my Lord Marquess of Antrim ; but according to my Fears ( which you always surmised to be in vain ) he was by the King's Extraordinary and Peremptory Letter of Favour restored to his Estate, as an Innocent Papist. We proved Eight Qualifications in the Act of Settlement against him, the least of which made him incapable of being restored as Innocent.

We proved 1. That he was to have a hand in surprizing the Castle of Dublin, in the Year 1641 : 2. That he was of the Rebels Party before the 15th of September, 1643. which we made appear by his hourly and frequent intercourse with Renny O Moore, and many others ; being himself the most notorious of the said Rebels.

3. That he entered into the Roman-Catholic Confederacy before the Peace in 1643.

4. That he constantly adhered to the Nuncio's Party, in opposition to his Majesty's Authority,

5. That he sate from time to time in the Supreme Council of Kilkenny.

6. That he signed that execrable Oath of Association.

7. That he was Commissionated, and acted as Lieutenant-General, from the said Assembly at Kilkenny.

8. That he declared by several Letters of his own penning, himself in Conjunction with Owen Ro Onale, and a constant Opposer to the several Peaces, made by the Lord Lieutenant with the Irish.

We were seven hours by the Clock in proving our Evidence against him, but at last the King's Letter being opened, and read in Court, Rainsford, one of the Commissioners, said to us, That the King's Letter on his behalf was Evidence without Exception, and thereupon declared him to be an Innocent Papist.

This Cause ( Sir ) hath ( tho many Reflections hath passed upon the Commissioners before ) more startled the Judgments of all men, than all the Tryals since the beginning of their sitting ; and it is very strange and wonderful to all of the Long Robe, that the King should give such a Letter, having divested himself of that Authority, and reposed the Trust in the Commissioners for that purpose : And likewise it is admired, that the Commissioners having taken solemn Oaths, To execute nothing but according to, and in pursuance of the Act of Settlement, should, barely upon his Majesty's Letter, declare the Marquess Innocent.

To be short ; There never was so great a Rebel, that had so much favour from so good a King : And it is very evident to me, though young, and scarce yet brought upon the stage, that the consequence of these things will be very bad ; and if God of his extraordinary mercy do not prevent it, War, and ( if possible greater Judgments, cannot be far from us ; where Vice is Patroniz'd, and Antrim, a Rebel upon Record, and so lately and clearly proved one, should have no other colour for his Actions but the King's own Letter ; which takes all Imputations from Antrim, and lays them totally upon his own Father.

Sir, I shall by the next, if possible, send you over one of our Briefs against my Lord, by some Friend : It's too large for a Pacquet, it being no less in bulk than a Book of Martyrs. I have no more at present, but refer you to the King's Letter, hereto annexed.

CHARLES R.

**R**ight Trusty and well-beloved Cousins and Counsellors, &c. We greet you well. How far we have been from interpoling on the behalf of any of our Irish Subjects, who by their miscarriages in the late Rebellion in that Kingdom of Ireland, had made themselves unworthy of Our Grace and Protection, is notorious to all men ; and We were so jealous in that particular, that shortly after Our return into this Our Kingdom, when the Marquess of Antrim came hither to present his duty to Us, upon the Information We received from those Persons who then attended Us, by a Deputation from Our Kingdom of Ireland, or from those who at that time owned our Authority there, that the Marquess of Antrim had so misbehaved himself towards Us, and Our late Royal Father of blessed memory, that he was in no degree worthy of the least Countenance from Us, and that they had manifest and unquestionable Evidence of such his guilt. Whereupon We refused to admit the said Marquess so much as into Our Presence, but on the contrary, committed him Prisoner to our Tower of London, where after he had continued several Months under a strict restraint, upon the continual Information of the said Persons, We sent him into Ireland, without interpoling the least on his behalf, but left him to undergo such a Tryal and Punishment, as by the Justice of that Our Kingdom should be found due to his Crime, expecting still that some heinous Matter would be objected and



and proved against him, to make him incapable, and to deprive him of that Favour and Protection from Us, which we knew his former Actions and Services had merited. After many months attendance there, and (We presume) after such Examinations as were requisite, he was at last dismissed without any Censure, and without any transmission of Charge against him to Us, and with a License to transport himself into this Kingdom; We concluded that it was then time to give him some instance of Our Favour, and to remember the many Services he had done, and the Sufferings he had undergone, for his Affections and Fidelity to Our Royal Father, and Our self, and that it was time to redeem him from those Calamities, which yet do lie as heavy upon him since, as before Our happy Return; And thereupon We recommend him to You Our Lieutenant, that you should move Our Council there, for preparing a Bill to be transmitted to Us, for the Re-investing him the said Marquess, into the possession of his Estate into that Our Kingdom, as had been done in some other Cases. To which Letter, you Our said Lieutenant returned us answer, That you had informed Our Council of that Our Letter, and that you were upon consideration thereof, unanimously of Opinion, that such a Bill ought not to be transmitted to Us, the Reason whereof would forthwith be presented to Us from our Council. After which time We received the inclosed Petition from the said Marquess, which We referred to the considerations and examinations of the Lords of Our Privy Council, whose Names are mentioned in that Our Reference, which is annexed to the said Petition, who thereupon met together, and after having heard the Marquess of *Antrim*, did not think fit to make any Report to Us, till they might see and understand the Reasons which induced you not to transmit the Bill We had proposed, which Letter was not then come to Our Hands: After which time We have received your Letter of the 18th of *March*, together with several Petitions which had been presented to you, as well from the Old Soldiers and Adventurers, as from the Lady Marchioness of *Antrim*, all which We likewise transmitted to the Lords Referees; Upon a second Petition presented to Us by the Lord Marquess, which is here likewise inclosed, commanding Our said Referees to take the same into their serious consideration, and to hear what the Petitioner had to offer in his own Vindication, and to report the whole matter to Us, which upon a third Petition herein likewise inclosed, We required them to expedite with what speed they could. By which deliberate Proceedings of ours you cannot but observe, that no importunity, how just soever, could prevail with Us to bring Our Self to a Judgment in this Affair, without very ample Information. Our said Referees, after several Meetings, and perusal of what hath been offered to them by the said Marquess, have reported unto Us, That they have seen several Letters, all of them the handwriting of Our Royal Father to the said Marquess, and several Instructions concerning his treating and joining with the *Irish*, in order to the King's Service, by reducing to their Obedience, and by drawing some Forces from them for the Service of *Scotland*. That besides the Letters and Orders under His Majesty's Hand, they have received sufficient Evidence and Testimony of several private Messages and Directions sent from Our Royal Father, and from Our Royal Mother, with the privacy, and with the Directions of the King Our Father, by which they are persuaded, that whatever Intelligence, Correspondence or Actings, the said Marquess had with the Confederate *Irish* Catholics, was directed or allowed by the said Letters, Instructions and Directions; and that it manifestly appears to them, that the King Our Father was well pleased with what the Marquess did, after he had done it, and approved the same.

This being the true state of the Marquess his Case, and there being nothing proved upon the first Information against him, nor any thing contained against him in your Letter of *March* 18. but that you were informed, he had put in his Claim before the Commissioners appointed for executing the *Act of Settlement*; and that if his Innocency be such as is alledged, there is no need of transmitting such a Bill to us as is desired; and that if he be Nocent, it consists not with the Duty which you owe to Us, to transmit such a Bill, as if it should pass into a Law, must needs draw a great prejudice upon so many Adventurers and Soldiers, which are, as is alledged, to be therein concerned. We have considered of the Petition of the Adventurers and Soldiers, which was transmitted to Us by you, the Equity of which consists in nothing, but that they have been peaceably in possession for the space of seven or eight years, of those Lands which were formerly the Estate of the Marquess of *Antrim*, and others, who were all engaged in the late *Irish* Rebellion; and that they shall suffer very much, and be ruined, if those Lands should be taken from them. And We have likewise considered another Petition from several Citizens of *London*, near sixty in number, directed to our Self, wherein they desire, That the Marquess his Estate may be made liable to the payment of his just Debts, that so they may not be ruined in the favour of the present Possessors, who (they say) are but a few Citizens and Soldiers, who have disbursed very small Sums thereon. Upon the whole matter no man can think We are less engaged by Our Declaration, and by the *Act of Settlement*, to protect those who are *Innocent*, and who have faithfully endeavoured to serve the *Crown*, how unfortunate soever, than to expose to Justice those who have been really and maliciously guilty. And therefore we cannot in Justice, but, upon the Petition of the Marquess of *Antrim*, and after the serious

and strict Inquisition into his Actions, declare unto you, That We do find him Innocent from any malice, or rebellious Purpose against the Crown; and that what he did by way of Correspondence or Compliance with the *Irish* Rebels, was in order to the Service of Our Royal Father, and warranted by his Instructions, and the Trust reposed in him; and that the benefit thereof accrued to the Service of the Crown, and not to the particular advantage and benefit of the Marquess. And as we cannot in justice deny him this Testimony, so We require You to transmit Our Letter to Our Commissioners, that they may know our Judgment in this Case of the Lord of *Antrim's*, and proceeded accordingly. And so we bid you heartily farewell.

Given at our Court at White-Hall, July 10. in the 15th Year of Our Reign, 1683.

By Our Right Trusty and Right entirely Well-beloved Cousin and Counsellor, James Duke of Ormond, Our Lieutenant-General, and General Governour of Our Kingdom of Ireland; and to the Lords of Our Council of that Our Kingdom.

By His Majesty's Command,

HENRY BENNET.

Entred at the Signet-Office, July 13. 1663.

Vox Populi: Or, *The Peoples Claim to their Parliament's Sitting, to Redress Grievances, and to provide for the Common Safety, by the known Laws and Constitutions of the Nation.*

Since the wonderful Discovery, and undeniable Confirmation of that horrid Popish Plot, which designed so much ruine and mischief to these Nations, in all things both Civil and Sacred; and the unanimous Sense and Censure of so many Parliaments upon it, together with so many publick Acts of Justice upon so many of the Traytors; it was comfortably hoped before thirty Months should have past over, after the detection thereof, some effectual Remedies might have been applied to prevent the further Attempts of the Papists upon us, and better to have secured the Protestants in their Religion, Lives and Properties. But by sad experience we have found, that notwithstanding the vigorous Endeavours of three of our Parliaments to provide proper and wholesome Laws to answer both ends: Yet so prevalent has this Interest been, under so potent a Head the D. of Y. as to stifle in the birth all those hopeful Parliament-Endeavours; by those many surprizing and astonishing Prorogations and Dissolutions which they have procured, whereby our Fears and Dangers have manifestly increased, and their Spirits heightened and encouraged to renew and multiply fresh Plottings and Designs upon us.

But that our approaching Parliament may be more successful for our Relief before it be too late, by being permitted to sit to Redress our Grievances, and to perfect those Good Bills which have been prepared by the former Parliaments to this purpose; these following Common-Law Maxims respecting King and Parliament, and the Common and Statute-Laws themselves (to prevent such unnatural Disappointments and Mischiefs) providing for the sitting of Parliaments till Grievances be redress'd, and publick Safety secured and provided for, are tendered to consideration.

*Some\* known Maxims taken out of the Law-Books.*

1. Respecting the King.

That the Kings of England can do nothing as Kings but what of right they ought to do.  
That the King can do no wrong, nor can he dye.  
That the King's Prerogative and the Subjects Liberty are determined by Law.  
That the King hath no Power but what the Law gives him.  
That the King is so called from Ruling well, Rex à bene Regendo [viz. according to Law] Because he is a King whilst he Rules well, but a Tyrant when he Oppresses.  
That Kings of England never appear more in their glory, splendor, and Majestick Sovereignty, than in Parliaments.  
That the Prerogative of the King cannot do wrong, nor be a Warrant to do wrong to any. Plowd. Comment. fol. 246.

2. Respecting the Parliament.

That Parliaments constitute, and are laid in the Essence of the Government.  
That a Parliament is that to the Common-Wealth, which the Soul is to the Body, which is only able to comprehend and understand the symptoms of all Diseases which threaten the Body-politick,  
M m m That

*That a Parliament is the Bulwark of our Liberty, the boundary which keeps us from the Inundation of Tyrannical Power; Arbitrary and unbounded Will-Government.*

*That Parliaments do make new, and abrogate old Laws; Reform Grievances in the Commonwealth, settle the Succession, grant Subsidies; And in sum, may be called the great Physician of the Kingdom.*

From whence it appears, and is self-evident, if Parliaments are so absolutely necessary in this our Constitution; That they must then have their certain stationary times of Session, and continuance, for providing Laws essentially necessary for the being, as well as the well-being of the People; and redressing all publick Grievances, either by the want of Laws, or of the undue Execution of them in being, or otherwise: And suitable hereunto are those Provisions made by the Wisdom of our Ancestors, as recorded by them both in the Common and Statute-Law.

Coke, lib. 7.  
Rep. p. 12, 13.

First, What we find hereof in the Common-Law.

The Common-Law (saith my Lord Coke) is that which is founded in the immutable Law and light of Nature, agreeable to the Law of God, requiring Order, Government, Subjection and Protection, &c. Containing ancient Usages, warranted by Holy Scripture; and because it is generally given to all, it is therefore called Common.

Lib. 9. Preface.

And further saith, That in the book called The Mirror of Justice, appeareth the whole frame of the ancient Common-Laws of this Realm from the time of K. Arthur, 516. till near the Conquest; which treats also of the Officers, as well as the diversity and distinction of the Courts of Justice (which are Officia Legis) and particularly of the High Court of Parliament by the name of Council-General, or Parliament; so called from Parler-la-ment, speaking judicially his mind: And amongst others gives us the following Law of King Alfred, who reigned about 880.

Mirror of  
Justice. Ch. 1.  
Sec. 3:

*'Le Roy Alfred Ordeigna par usage perpetuel que a deux fois per lan ou plus sovene par mistier in temps de peace se Asssembler a Londres, par Parliamenter surle guidement del peuple de dieu comme gens soy garderent de pechers, viverent in quiet, recevoirent droit per certain usages & saints Judgments.*

'King Alfred ordaineth for a usage perpetual, That twice a year, or oftner if need be, in time of peace, they shall assemble themselves at London, to treat in Parliament of the Government of the People of God, how they should keep themselves from Offences, should live in quiet, and should receive right by certain Laws and holy Judgments.

Lord Coke's  
Comment  
upon it.

'And thus (saith my Lord Coke), you have a Statute of K. Alfred, as well concerning the holding of this Court of Parliament twice every year at the City of London, as to manifest the threefold end of this great and honourable Assembly of Estates; As,

'First, That the Subject might be kept from offending; that is, that Offences might be prevented both by good and provident Laws, and by the due Execution thereof.

'Secondly, That men might live safely, and in quiet.

'Thirdly, That all men might receive Justice by certain Laws, and holy Judgments; that is, to the end, that Justice might be the better administered, that Questions and Defects in Laws might be by the High Court of Parliament planed, reduced to certainty and adjudged. And further tells us, That this Court being the most Supream Court of this Realm, is a part of the frame of the Common-Laws, and in some cases doth proceed Legally, according to the ordinary course of the Common-Law, as it appeareth, 39 E. 3. f. Coke Inst. ch. 29. fol. 5. To be short, of this Court it is truly said, *Si vetustatem spectes antiquissima, si dignitatem est honoratissima, si jurisdictionem est capacissima*. If you regard Antiquity, it is the most Ancient; if Dignity, the most Honourable; if Jurisdiction, the most Sovereign.

And where question hath been made, whether this Court continued during the Heptarchy, let the Records themselves make answer, of which he gives divers Instances in the times of King Ine, Offa, Ethelbert. After the Heptarchy, King Edward Son of Alfred, King Ethelston, Edgar, Ethelred, Edmond, Canutus. All which (he saith) and many more, are extant, and publickly known; proving by divers Arguments, that there were Parliaments unto which the Knights and Burgeses were summoned, both before, in, and after the Reign of the Conqueror, till Hen. 3d's time; and for your further satisfaction herein, see 4 E. 3. 25. 49 Ed. 3. 22, 23. 11 H. 4. 2. Littl. lib. 2. cap. 20.

Whereby we may understand,

1. That Parliaments are part of the frame of the Common-Law, [which is laid in the Law and Light of Nature, right Reason and Scripture.]

2. That according to this Moral Law of Equity and Righteousness, Parliaments ought frequently to meet for the common peace, safety and benefit of the People, and support of the Government.

3. That Parliaments have been all along esteemed an essential part of the Government, as being the most ancient, honourable and Sovereign Court in the Nation, who are frequently and perpetually to sit, for the making and abolishing Laws, Redressing of Grievances, and see to the due administration of Justice.

4. That as to the place of Meeting, it was to be at London the Capital City, the Eye and Heart



Heart of the Nation, as being not only the Regal Seat, but the principal place of Judicature, and residence of the chief Officers, and Courts of Justice, where also the Records are kept, as well as the principal place of Commerce and Concourse in the Nation, and to which the People may have the best recourse, and where they may find the best accommodation.

5. The Antiquity of Parliaments in this Nation, which have been so ancient, that no Record can give any account of their Beginning; my Lord Coke thus tracing them from the Britains, through the Saxons, Danes and Normans, to our days.

So that not to suffer Parliaments to sit to answer the great ends for which they were Instituted, is expressly contrary to the Common Law, and so consequently of the Law of God as well as the Law of Nature, and thereby Violence is offered to the Government it self, and Infringement of the Peoples fundamental Rights and Liberties.

Secondly, What we find hereof in the Statute-Law.

The Statute Laws are Acts of Parliament which are (or ought to be) only Declaratory of the Common Law, which as you have heard, is founded upon right Reason and Scripture; for we are told, that if any thing is Enacted contrary thereto, it is void and null: As Coke Inst. 1. 2. c. 29. f. 15. Finch p. 3. 28 H. 8. c. 27. Doct. and Stud.

The first of these Statutes which require the frequent Meeting and Sitting of Parliaments, agreeable to the Common Law, we find to be in the time of Ed. 3. viz. 4 Ed. 3. 8c ch. 14. In these words:

'Item, It is accorded that a Parliament shall be holden every year once, or more often if need be.

The next is in the 36 of the same K. Ed. 3. c. 10. viz.

'Item, For the maintenance of the said Articles and Statutes, and Redressing of divers Mischiefs and Grievances which daily happen, a Parliament shall be holden every year, or at another time was ordained by a Statute, viz. the aforementioned, in his 4th year. And agreeable hereto, are those Statutes upon the Rolls, viz. 5 Ed. 2. c. 1 R. 2. No. 95.

By which Statutes it appeareth, That Parliaments ought annually to meet, to support the Government, and to redress the Grievances which may happen in the Interval of Parliaments; That being the great End proposed in their said Meetings. Now, for Parliaments to meet Annually, and not suffered to sit to Answer the Ends, but to be Prorogued or Dissolved before they have finished their Work, would be nothing but a deluding the Law, and a striking at the foundation of the Government it self, and rendering Parliaments altogether useless; for it would be all one to have No Parliaments at all, as to have them turn'd off by the Prince before they have done that that they were called and intrusted to do. For by the same Rule whereby they may be so turn'd off one Session, they may be three Sessions, and so to threescore, to the breaking of the Government, and introducing Arbitrary Power. To prevent such intollerable Mischiefs and Inconveniencies, are such good Laws as these made in this King's time, and which were so Sacredly observed in after times, That it was a Custom, especially in the Reigns of H. 4. H. 5. H. 6. to have a Proclamation made in Westminster-Hall before the end of every Session, \* 'That all those who had any matter to present to the Parliament, should bring it in before such a day, for otherwise the Parliament at that day should Determine. Whereby it appears, the People were not to be eluded, nor disappointed by surprizing Prorogations and Dissolutions, to frustrate and make void the great ends of Parliaments.

And to this purpose, saith a late Learned Author, 'That if there was no Statute, or any thing upon record extant, concerning the Parliaments sitting to redress grievances, yet that I must believe, that it is so by the fundamental Law of the Government, which must be lame and imperfect without it; [For, otherwise the Prince and his Ministers may do what they please, and their Wills may be their Laws].

'Therefore it is provided for in the very Essence and Constitution of the Government it self; and this (saith our Author) we may call the Common-Law, which is of as much value (if not more) than any Statute, and of which all our good Acts of Parliament and Magna-Charta it self is but Declaratory; so that though the King is intrusted with the formal part of summoning and pronouncing the Dissolution of Parliaments, which is done by Writ; yet the Laws which oblige him (as well as us) have determined how, and when he shall do it; which is enough to shew, that the King's share in the Sovereignty, that is in the Parliament, is cut out to him by Law, and not left at his disposal.

The next Statute we shall mention, to enforce this fundamental Right and Privilege, is the 25th Ed. 3. ch. 23. called the Statute of Provisors, which was made to prevent and cut off the Incroachments of the Bishops of Rome, whose Usurpations in disposing of Benefices occasioned intollerable Grievances, wherein, in the Preamble of the said Statute, it is expressed as followeth:

\* An honest and a necessary Proclamation to be made every Parliament.

25 Ed. 3. c. 23. Statute of Provisors.

'Where-

‘Whereupon the Commons have prayed our said Sovereign Lord the King, that sith the Right of the Crown of England, and the Law of the said Realm is such, that upon the Mischiefs and Damage which happeneth to his Realm, he ought, and is bounden of the accord of his said People in his Parliament, thereof to make Remedy and Law, in avoiding the Mischiefs and Damage which thereof cometh; That it may please him thereupon to provide Remedy. Our Sovereign Lord the King seeing the Mischiefs and Damage before-named, and having regard to the said Statute made in the time of his said Grand-Father, and to the Causes contained in the same, which Statute holdeth always in force, and was never defeated or annulled in any point, and by so much is bound by his Oath to do the same, to be kept as the Law of this Realm, so that by Sufferance and Negligence it hath since been attempted to the contrary: And also having regard to the grievous Complaints made to him by his People in divers Parliaments holden heretofore, Willing to ordain Remedy for the great Damages and Mischiefs which have happened, and daily do happen by the said Cause, &c. By the assent of all the great Men and Commonalty of his said Realm, hath Ordained and Established, &c.

In which preamble of the Statute we may observe, (1.) The intollerable grievance and burden which was occasion’d by the illegal Incroachments of the See of Rome. (2.) The many Complaints the People had made, who in those dark times under Popery were sensible of, groaning under those Burdens. (3.) The Endeavours used in vain by former Parliaments to Redress the same, and to bring their Laws in being, to have their Force and Effect. (4.) The acknowledgment of the King and Parliament, that the Obligation hereto was upon the King,

(1.) From the Right of the Crown, which obliged every King to pass good Laws. (2.) The Statute in force. (3.) The King’s Oath to keep the Old, and pass New Laws for his Peoples safeguard, which they should tender to him. (4.) From the fence of the People, expressed in their Complaints; and, (5.) From the Mischief and Damage which would otherwise ensue.

And therefore by the desire and accord of his People, He passes this famous Law. The Preamble whereof is here recited.

Another Statute to the same purpose you find 2 R. 2. N<sup>o</sup>. 28. ‘Also the Commons in Parliament pray, That forasmuch as Petitions and Bills presented in Parliament by divers of the Commons, could not heretofore have their Respective Answers; That therefore both their Petitions and Bills in this present Parliament, as also others which shall be presented in any future Parliament, may have a good and gracious Answer, and Remedy ordained thereupon before the departing of every Parliament: And that to this purpose, a due Statute be enacted [or Enacted] at this present Parliament, to be and remain in Force for all times to come.

To which the King replied:

#### The King’s Answer.

**T**HE King is pleased that all such Petitions deliver’d in Parliament, of things (or matters) which cannot otherwise be determined; A Good and Reasonable Answer shall be made and given before the departure of Parliament.

In which excellent Law we may observe, (1.) A Complaint of former remissness, their Bills having aforetime been pass’d by, their Grievances Unredressed, by unseasonably Dissolving of Parliaments before their Laws could pass. (2.) That a Law might pass in that very Parliament to rectifie that Abuse for the future. And, (3.) That it should not pass for a temporary Law, but for perpetuity, being of such absolute Necessity, that before the Parliaments be dismissed, Bills of common Right might pass.

And the King agreed hereto.

Suitable hereto, we have my Lord Chief Justice Coke, that great Oracle of the Law, in his *Insti.* 4. B. p. 11. asserting, ‘Petitions being truly prefer’d (though very many) have been Answered by the Law and Custom of Parliament, before the end of Parliament.

This appears saith he, by the Ancient Treatise, *De Modo tenendi Parliamentum*, in these Words faithfully Translated. The Parliament ought not to be ended while any Petition dependeth undiscussed, or at the least to which a determinate Answer is not made. Rot. Par. 17. E. 3. N<sup>o</sup>. 60. 25 E. 3. N<sup>o</sup>. 60. 50 E. 3. N<sup>o</sup>. 212. 2 R. 2. 134. 2 R. 2. N<sup>o</sup>. 38. 1 H. 4. 132. 2 H. 4. 325. 113.

And that one of the principal ends of calling Parliaments, is for redressing of Grievances that daily happen, 36 E. 3. c. 10. 18 E. 3. c. 14. 50 E. 3. N<sup>o</sup>. 17. *Lyons Case*, Rot. Par. 1 H. 5. N<sup>o</sup>. 17. 13 H. 4. No. 9.

And that as concerning the departing of Parliaments, It ought to be in such a manner, saith *Modus Tenendi*, viz. To be demanded, yea, and publicly Proclaimed in the Parliament, and within the Palace of the Parliament, whether there be any that hath delivered a Petition to the Parliament, and hath not received Answer thereto. if there be none such, it is to be supposed, that every one is Satisfied, or else Answered unto at the least, so far forth as by the Law he may be. And which custom was observed in after Ages, as you have heard before.

Concerning the Antiquity and Authority of this Ancient Treatise, called, *Modus tenendi Parliamentum* (saith my Lord Coke) whereof we make often use in our Institutes: Certain it is, that this *Modus* was Rebeared and Declared before the Conqueror at the time of his Conquest, and by him approved for England; and accordingly he, according to *Modus*, held a Parliament for England, as appears 21 E. 3. fo 6c.

Whereby you clearly perceive, that these wholesome Laws are not only in full agreement with the Common Law, and declarative thereof, but in full accord with the Oath and Office of the Prince, who has that great trust by the Law, lodged with him for the good and benefit, not hurt and mischief of the People, viz.

First, These Laws are very suitable to the Duty and Office of a Ruler, and the end for which he was instituted by God himself, who commands him to do Judgment and Justice to all, especially to the Oppressed; and not to deny them any request for their relief, protection or welfare, 2 Sam. 22. 3. 1 Chron. 13. 1, to 5. 2 Chron. 9. 8. 19. 5, &c Est. 1. 13: Our Law-Books enjoying the same, as *Bracton*, Lib. 1. c. 2. Lib. 3. c. 9. fol. 107, &c. *Forisfeur*, ch. 9. fo. 15. c. 7. fol. 5. 11. *Coke* 7. Book Reports, *Calvin's Case*, f. 11.

Secondly, They are also in full Harmony with the King's Coronation Oath solemnly made to all his Subjects, viz. To grant, fulfill, and defend all rightful Laws which the Commons of the Realm shall choose, and to strengthen and maintain them after his Power.

Thirdly, These Laws are also in full agreement, and oneness with *Magna Charta* it self, that Ancient Fundamental Law, which hath been Confirmed by at least Forty Parliaments, viz. We shall deny, We shall defer to no Man Justice and Rights, much less to the whole Parliament and Kingdom, in denying or deferring to pass such necessary Bills which the Peoples needs call for.

Objct. But to all this which hath been said, it may be objected, That several of our Princes have otherwise practised, by Dissolving, or [as laterly used, by] Proroguing Parliaments at their pleasures, before Grievances were Redressed, and Publick Bills of Common Safety Passed, and that as a Privilege belonging to the Royal Prerogative.

Ans. To which it is Answered, That granting they have so done: First, It is most manifest, that doth not therefore create a right to them so to do; according to that known Maxim, a facto ad jus non valet Consequentia, especially, when such Actions are against so many express and positive Laws, such Principles of Common Right and Justice, and so many particular Tyes and Obligations upon themselves to the contrary.

Secondly, But if it had been so, yet neither can Prerogative be pleaded to justify such Practices, because the King has no Prerogative, but what the Law gives him; and it can give none to destroy its self, and those it protects, but the contrary. *Bracton*, in his Comments, pag. 487. tells us, 'That although the Common Law doth allow many Prerogatives to the King, yet it doth not allow any, that He shall wrong, or hurt any by His Prerogative. Therefore 'tis well said, by a late Worthy Author upon this point, That what Power or Prerogative the Kings have in Them, ought to be used according to the true and genuine intent of the Government; that is, for the Preservation and Interest of the People. And not for the disappointing the Councils of a Parliament, towards reforming Grievances, and making provision for the future Execution of the Law; and whenever it is applied to frustrate those ends, it is a Violation of Right, and Infringement of the King's Coronation Oath, who is obliged to Pass or Confirm those Laws His People shall desire. And tho he had such a Prerogative by Law, yet it should not be so used, especially in time of Eminent danger and distress. The late King in His Advice to His Majesty that now is, in his *Exordium* BANHAM 239. Tells him, That his Prerogative is best shewed, and exercised, in remitting, rather than exacting the Rigor of the Laws, there being nothing worse than Legal Tyranny.

*Bracton*,  
p. 487.

Nor would he have him entertain any Aversion or Dislike of Parliaments, which in their right Constitution, with freedom and Honour, will never Injure or Diminish His Greatness, but will rather be an interchangings of Love, Loyalty and Confidence, between a Prince and His people.

The Late  
King's advice  
to His Majesty.

It is true, some Flatterers and Traytors have presumed, in defiance to their Countries Rights, to assert, that such a boundless Prerogative belongs to Kings. As did Chief Justice Trifilium, &c. in R. 2's. time; Advising him, that he might Dissolve Parliaments at pleasure; and, that no Member should be called to Parliament, nor any Act pass in either House, without His approbation in the first place; and, that whoever advis'd otherwise, were Traytors. But this Advice, you read, was no less fatal to himself, than pernicious to his Prince. *Bakers Chron.* p. 147, 148, and 159.

King James, in His Speech to the Parliament 1609. Gives them assurance, That he never meant to Govern by any Law, but the Law of the Land; tho it be disputed among them, as if he had an intention to alter the Law, and Govern by the absolute power of a King; but to put them out of doubt in that matter, tells them, That all Kings who are not Tyrants, or Perjured, will bound themselves within the limits of their Laws. And they that persuade the contrary, are Vipers and Pests, both against them and the Commonwealth: *Willon. K. J.* p. 46.



## The Conclusion.

1. **I**F this be so, That by so great Authority (*viz.* so many Statutes in force, The fundamentals of the Common Law, the Essentials of the Government it self, *Magna Charta*, The King's Coronation Oath, so many Laws of God and Man; ) The Parliament ought to sit to Redress Grievances, and provide for Common Safety, especially in times of Common Danger. ( And that this is eminently so, who can doubt, that will believe the King; so many Parliaments, The Cloud of Witnesses, the Publick Judicatures, their own sense and experience of the manifold Mischiefs which have been acted, and the apparent Ruine and Confusion that impends the Nation, by the restless Attempts of a bloody Interest, if speedy Remedy is not applied.)

Then let it be Queried, Whether the People having thus the Knife at the Throat, Cities and Habitations Fired, and therein their Persons fried, Invasions and Insurrections threatened to Destroy the King and Subjects, Church and State; and as so lately told us, ( upon Mr. Fitz Harris's Commitment ) the present Design on Foot was to Depose and Kill the King; and their only remedy hoped for, under God, to give them relief Relief thus from time time, cut off, *viz.* Their Parliaments, who with so much care, cost and pains, are Elected, sent up, and Intrusted for their help, turned off *ré infelice*, and rendered so insignificant by those frequent Prorogations and Dissolutions.

Are they not therefore justified in their important Cries, in their many Humble Petitions to their King, Fervent Addresses to their Members, earnest Claims for this their Birth-right here Pleaded, which the Laws of the Kingdom, consonant to the Laws of God and Nature, has given them?

2. If so, what then shall be said to those who advise to this high Violation of their Countries Rights, to the infringing so many just Laws, and exposing the Publick to those desperate hazards, if not a total Ruine?

If King *Alfred* ( as *Andrew Horne* in his *Mirror of Justice* tells us ) hanged *Darling*, *Segur*, *Cadwine*, *Cole*, and Forty Judges more, for Judging contrary to Law; and yet all those false Judgments were but in particular and private Cases: What death do those Men deserve, who offer this violence to the Law it self, and all the Sacred Rights of their Country? If the Lord Chief Justice *Thorp*, in *Ed. 3d's* time, for receiving the Bribery of One hundred pounds was adjudged to be Hanged as one that had made the King break his Oath to the People; How much more guilty are they of making the King break His Coronation Oath, that persuade him to Act against all the Laws for holding Parliaments, and passing Laws therein, which he is so solemnly sworn to do? And if the Lord Chief Justice *Trefilian* was Hanged, Drawn, and Quartered, for Advising the King to Act contrary to some Statutes only; What do those deserve that advise the King to Act not only against some, but against all these Ancient Laws and Statutes of the Realm?

And if *Blake*, the King's Council, but for assisting in the matter, and drawing up Indictments by the King's Command contrary to Law, tho it is likely he might Plead the King's Order for it, yet if he was Hang'd, Drawn and Quartered, for that, What Justice is due to them that assist in the Total Destruction of all the Laws of the Nation, and as much in them lies, their King and Country too? And if *Usk*, the under-Sheriff ( whose Office is to Execute the Laws ) for but endeavouring to aid *Trefilian*, *Blake*, and their Accomplices against some of the Laws, was also with Five more Hang'd, Drawn and Quartered; What punishment may they deserve that Aid and endeavour the Subversion of all the Laws of the Kingdom? And if *Empson* and *Dudley* in *Henry* the Eighth's time, tho two of the King's Privy Council, were Hanged for Procuring and Executing an Act of Parliament contrary to the Fundamental Laws of the Kingdom, and to the great vexation of the People; so that tho they had an Act of Parliament, of their side, yet that Act being against the known Laws of the Land, were Hang'd as Traytors for patting that Statute in Execution: Then what shall become of those who have no such Act to shelter themselves under, and who shall Act not only contrary to, but to the Destruction of the Fundamental Laws of the Kingdom? And how Harmonious such Justice will be, the Text tells us, *Deut. 27. 17. Cursed be he that removeth his Neighbours Land mark: and all the People shall say, Amen.*

That this present Session may have a happy Issue, to answer the great ends of Parliaments, and therein our present Exigencies and Necessities, is the incessant Cry and longing Expectation of all the Protestants in the Land.

*The Security of English-mens Lives; or, the Trust, Power, and Duty of the Grand Juries of England. Explained according to the Fundamentals of the English Government, and the Declarations of the same made in Parliament by many Statutes.*

THE Principal Ends of all Civil Government, and of Humane Society, were the Security of Mens Lives, Liberties and Properties, mutual assistance and help each unto other, and provision for their common benefit and advantage; and where the Fundamental Laws and Constitution of any Government have been wisely adapted unto those Ends, such Countries and Kingdoms have increased in Vertue, Prowess, Wealth and Happiness, whilst others through the want of such excellent Constitutions, or neglect of preserving them, have been a Prey to the Pride, Lust and Cruelty of the most Potent; and the People have had no assurance of Estates, Liberties or Lives, but from their Grace and Pleasure. They have been many times forced to welter in each other's Blood in their Master's quarrel for Dominion, and at best they have served like Beasts of burthen, and by continual base subserviency to their Master's Vices, have lost all sense of true Religion, Virtue and Manhood.

Our Ancestors have been famous in their Generations for Wisdom, Piety and Courage, in forming and preserving a Body of Laws to secure themselves and their Posterities from Slavery and Oppression, and to maintain their Native Freedoms; to be subject only to the Laws made by their own Consent in their general Assemblies, and to be put in execution chiefly by themselves, their Officers and Assistants; to be guarded and defended from all Violence and Force, by their own Arms, kept in their own hands, and used at their own charge under their Prince's Conduct; entrusting nevertheless an ample Power to their Kings, and other Magistrates, that they may do all the good, and enjoy all the happiness that the largest Soul of man can honestly wish; and carefully providing such means of correcting and punishing their Ministers and Councillors, if they transgressed the Laws, that they might not dare to abuse or oppress the People, or design against their freedom or welfare.

This Body of Laws our Ancestors always esteemed the best Inheritance they could leave to their Posterities, well knowing that these were the sacred Fence of their Lives, Liberties and Estates, and an unquestionable Title whereby they might call what they had their own, or say they were their own Men: The inestimable value of this Inheritance moved our Progenitors with great resolution bravely from Age to Age to defend it: and it now falls to our lot to preserve it against the Dark Contrivances of a Popish Faction, who would by Frauds, Sham-Plots, and Infamous Perjuries, deprive us of our Birth-rights, and turn the points of our Swords (our Laws) into our own Bowels; they have impudently scandalized our Parliaments with Designs to overturn the Monarchy, because they would have excluded a Popish Successor, and provided for the Security of the Religion and Lives of all Protestants: They have caused Lords and Commoners to be for a long time kept in Prisons, and suborned Witnesses to swear matters of Treason against them; endeavouring thereby, not only to cut off some who had eminently appeared in Parliament for our ancient Laws, but through them to blast the Repute of Parliaments themselves, and to lessen the Peoples Confidence in those great Bulwarks of their Religion and Government.

The present purpose is to shew, how well our Worthy Fore-fathers have provided in our Law for the safety of our Lives, not only against all attempts of open Violence, by the severe punishment of Robbers, Murtherers, and the like; but the secret poisonous Arrows that fly in the dark, to destroy the Innocent by false Accusation and Perjuries. Our Law-makers foresaw both their dangers from the Malice, and Passion, that might cause some of private condition, to accuse others falsely in the Courts of Justice, and the great hazards of Worthy and Eminent Mens Lives, from the Malice, Emulation, and Ill Designs of Corrupt Ministers of State, or otherwise potent, who might commit the most odious of Murthers in the form and course of Justice; either by corrupting of Judges, as dependant upon them for their Honour and great Revenue, or by bribing and hiring men of depraved Principles, and desperate Fortunes, to swear falsely against them; doubtless they had heard the Scriptures, and observed that the great men of the Jews sought out many to swear Treason and Blasphemy against Jesus Christ: They had heard of Ahab's Courtiers and Judges, who, in the Course and Form of Justice, by false Witnesses, murdered Naboth, because he would not submit his Property to an Arbitrary Power. Neither were they ignorant of the Ancient Roman Histories, and the pestilent false Accusers that abounded in the Reign of some of those Emperors, under whom the greatest of Crimes was, to be virtuous: Therefore, as became good Legislators, they made as prudent Provision, as perhaps any Country in the World enjoys, for equal and impartial Administration of Justice in all the concerns of the Peoples Lives; that every man,

man, whether Lord or Commoner, might be in safety, whilst they lived in due obedience to the Laws.

See L<sup>d</sup> Cook's  
Instit. 3d part,  
p. 40.

See Mag.  
Chart. Cooke's  
2d part of In-  
stit. p. 50, 51.

For this purpose it is made a Fundamental in our Government, that (unless it be by Parliament, no man's Life should be touched for any Crime whatsoever, save by the Judgment of at least 24 Men; that is, 12 or more, to find the Bill of Indictment, whether he be Peer of the Realm, or Commoner; and 12 Peers, or above, if a Lord; if not, 12 Commoners to give the Judgment upon the general Issue of not guilty joined; of these 24, the first 12 are called the Grand Inquest, or the Grand Jury, for the extent of their power, and in regard that their number must be no more than 12, sometimes 23, or 25, never were less than 12. Twelve whereof at least must agree to every Indictment, or else 'tis no legal Verdict; If 11 of 21, or of 13, should agree to find a Bill of Indictment, it were no Verdict. The other Twelve, in Commoners Cases, are called the Petit-Jury, and their number is ever Twelve; but the Jury for a Peer of the Realm may be more in number, though of like Authority. The Office and Power of these Juries is *Judicial*, they only are the Judges from whose Sentence the Indicted are to expect Life or Death: upon their Integrity and Understanding, the Lives of all that are brought into Judgment do ultimately depend; from their Verdict there lies no Appeal, by finding Guilty or not Guilty; they do completely resolve both Law and Fact.

See the Re-  
ports of the  
Ld Chief Ju-  
stice Vaughan,  
p. 150, 151.

As it hath been the Law, so it hath always been the Custom and Practice of these Juries, upon all general Issues, pleaded in Cases Civil as well as Criminal, to judge both of the Law and Fact. So it is said in the Report of the Lord Chief Justice Vaughan, in *Bush's Case*, That these Juries determine the Law in all matters where Issue is joined and tried, in the Principal Case, whether the Issue be about Trespass, or a Debt, or Disseizin in Assizes, or a Tort, or any such like, unless they should please to give a special Verdict, with an implicate faith in the Judgment of the Court, to which none can oblige them against their wills.

These last 12 must be Men of equal condition with the Party indicted, and are called his Peers; therefore if it be a Peer of the Realm, they must be all such, when indicted at the Suit of the King; and in the Case of Commoners, every man of the 12 must agree to the Verdict freely, without compulsion, fear, or menace, else it is no Verdict. Whether the Case of a Peer be harder, I will not determine. Our Ancestors were careful, that all men of the like condition, and quality, presumed to be sensible of each other's infirmity, should mutually be Judges each of others lives, and alternately taste of Subjection and Rule; every man being equally liable to be accused, or indicted, or perhaps to be suddenly judged by the Party, of whom he is at present Judge, if he be found innocent. Whether it be Lord or Commoner that is indicted, the Law intends (as near as may be) that his Equals that judge him, should be his Companions, known to him, and he to them, or at least his Neighbours, or Dwellers near about the place where the Crime is supposed to have been committed, to whom something of the Fact must probably be known; and though the Lords are not appointed to be of the Neighbourhood to the indicted Lord, yet the Law supposes them to be Companions, and personally well known each unto other, being presumed to be a small number (as they have anciently been) and to have met yearly; or oftner in Parliament, as by Law they ought, besides their other meetings, as the hereditary Councilors of the Kings of England. If time hath altered the case of the Lords as to the number, indifferency, and impartiality of the Peers, it hath been, and may be worthy of the Parliament's consideration; and the greater duty is incumbent upon Grand Juries to examine with the utmost diligence the Evidence against Peers, before they find a Bill of Indictment against any of them, if in truth it may put their Lives in greater danger.

It is not designed at this time to undertake a Discourse of Petit-Juries, but to consider the Nature and Power of Grand Inquests; and to shew how much the Reputation, the Fortunes, and the Lives of *English-men*, depend upon the Conscientious performance of their Duty.

It was absolutely necessary for the support of the Government, and the safety of every Man's Life and Interest, that some should be trusted to inquire after all such, as by Treasons, Felonies, or lesser Crimes, disturbed the peace, that they might be prosecuted, and brought to condign punishment; and it was no less needful for every man's quiet and safety, that the trust of such Inquisitions should be put into the hands of Persons of understanding, and integrity, indifferent, and impartial, that might suffer no man to be falsely accused, or defamed; nor the Lives of any to be put in jeopardy, by the malicious Conspiracies of great or small, or the Perjuries of any profligate Wretches: For these necessary, honest Ends, was the institution of Grand Juries.

Our Ancestors thought it not best to trust this great concern of their Lives and Interests in the hands of any Officer of the King's, or in any Judges named by him, nor in any certain number of men during life, lest they should be awed or influenced by great men, corrupted by Bribes, Flatteries, or love of Power, or become negligent, or partial to Friends and Relations,



lations, or pursue their own Quarrels or private Revenges; or connive at the Conspiracies of others, and indict thereupon. But this trust of enquiring out, and indicting all the Criminals in a County, is placed in men of the same County, more at least than Twelve of the most honest, and most sufficient for knowledge, and ability of Mind and Estate, to be from time to time at the Sessions and Assizes, and all other Commissions of *Oyer and Terminer*, named and returned by the chief Sworn Officer of the County, the Sheriff, (who was also by express Law anciently chosen annually by the People of every County) and trusted with the Execution of all Writs and Processes of the Law, and with the Power of the County to suppress all Violences, unlawful Routs, Riots and Rebellions. Yet our Laws left not the Election of these Grand Inquests absolutely to the Will of the Sheriffs, but have described in general their Qualifications, who shall enquire and indict either Lord or Commoner: They ought, by the old Common-law, to be Lawful Lidge-people, of ripe Age, not over aged or infirm, and of good Fame amongst their Neighbours, free from all reasonable suspicion of any design for himself or others upon the Estates or Lives of any suspected Criminals, or quarrel or controversie with any of them: They ought to be indifferent and impartial, even before they are admitted to be sworn, and of sufficient understanding and Estate for so great a Trust. The ancient Law-book, called *Briton*, of great Authority, says, The Sheriffs Bailiffs ought to be sworn to return such as know best how to enquire, and discover all breaches of the Peace; and lest any should intrude themselves, or be obtruded by others, they ought to be returned by the Sheriff, without the denomination of any, except the Sheriff's Officers. And agreeable hereto was the Statute of 11 H. 4. in these words. \* *Item*, Because of late, Inquests were taken at *Westminster* of persons named to the Justices, without due Return of the Sheriff, of which persons some were outlawed, &c. and some fled to sanctuary for Treason and Felony, &c. by whom, as well many Offenders were indicted, as other lawful Lidge-people of the King not guilty; by Conspiracy, Abetment, and false imagination of others, &c. against the force of the Common-Law, &c. It is therefore granted, for the Ease and Quietness of the People, that the same Indictment, with all its Dependences, be void, and holden for none for ever; and that from henceforth, no Indictment be made by any such persons, but by Inquest of the King's Lidge-people, in the manner as was used, &c. returned by the Sheriffs, &c. without any denomination to the Sheriffs, &c. according to the Law of England; and if any Indictment be made hereafter in any point to the contrary, the same be also void, and holden for none for ever. See also the Statute of *Westm.* 2d cap. 38.

See *Brit.* p. 9, and 10.

See 11 Hen. 4.

See *Coke's Inst.* 3d part, fol. 33.

and *Articul super Cortas*, cap. 9.

So careful have our Parliaments been, that the power of Grand Inquests might be placed in the hands of good and worthy men; that if one man of a Grand Inquest, though they be Twenty three or more, should not be *Liber & Legalis Homo*, or such as the Law requires, and duly returned without denomination to the Sheriff; all the Indictments found by such a Grand Jury, and the proceedings upon them, are void and null. So it was adjudged in *Stuart's Case*.

I know too well, that the Wisdom and Care of our Ancestors, in this Institution of Grand Juries, hath not been of late considered as it ought; nor the Laws concerning them duly observed; nor have the Gentlemen, and other men of Estates, in the several Counties, discerned how insensibly their Legal Power and Jurisdiction in their Grand and Petit Juries is decayed, and much of the means to preserve their own Lives and Interests, taken out of their hands. 'Tis a wonder that they were not more awakened with the Attempt of the late L. Ch. K. who would have usurped a Lordly Dictatorian power over the Grand Jury of *Somersetshire*, and commanded them to find a Bill of Indictment for Murther, for which they saw no Evidence; and upon their refusal, he not only threatned the Jury, but assumed to himself an Arbitrary Power to fine them.

Here was a bold Battery made upon the ancient Fence of our Reputations and Lives: If that Justice's Will had passed for Law, all the Gentlemen of the Grand Juries must have been the basest Vassals to the Judges, and have been penally obliged, *Jurare in Verba Magistrat*i, to have sworn to the Directions or Dictates of the Judges: But thanks be to God, the late long Parliament (though filled with Pensioners) could not bear such a bold Invasion of the English Liberty; but upon the Complaint of one Sir *Hugh Windham*, Foreman of the said Jury, and a Member of that Parliament, the Commons brought the then Chief Justice to their Bar, to acknowledge his fault, whereupon the Prosecution ceased.

The Trust and Power of Grand Juries is, and ought to be accounted amongst the greatest and of most concern, next to the Legislative. The Justice of the whole Kingdom, in Criminal Cases, almost wholly depending upon their Ability and Integrity, in the due execution of their Office; Besides, the Concernments of all Commoners, the Honour, Reputation, Estates and Lives of all the Nobility of England, are so far submitted to their Censure, that they may bring them into question for Treason, or Felony, at their Discretion; Their Verdict must be entred upon Record, against the greatest Lords, and process must le-

gally go out against them thereupon, to imprison them if they can be taken, or to outlaw them, as the Statutes direct; and if any Peer of the Realm, though innocent, should justly fear a Conspiracy against his Life, and think fit to withdraw; the direction of the Statutes, in proceeding to the Outlawry, being rightly pursued, he could never reverse the Outlawry, as the Law now stands, save by Pardon, or Act of Parliament. Hence it appears, that in case a Grand Jury should be drawn to indict a Noble Peer unjustly, either by means of their own weakness, or partiality, or a blind submission to the Direction or Opinion of Judges: One such failure of a Jury may occasion the Ruine of any of the best or greatest Families in England: I mention this extent of the Grand Juries Power over all the Nobility, only to shew their joint Interest and Concern with the Commons of England in this ancient Institution.

The Grand Juries are trusted to be the principal means of preserving the Peace of the whole Kingdom, by the terror of executing the Penal Laws against Offenders, by their Wisdom, Diligence, and Faithfulness in making due Inquiries after all Breaches of the Peace, and bringing every one to answer for his Crime, at the peril of his Life, Limb and Estate; that every man, who lives within the Law, may sleep securely in his own House.

'Tis committed to their Charge and Trust, to take care of bringing Capital Offenders to pay their Lives to Justice, and lesser Criminals to other punishments, according to their several demerits. The Courts, or Judges, or Commissioners of Oyer and Terminer, and of Goal-Delivery, are to receive only from the Grand Inquest, all Capital Matters whatsoever, to be put in issue, tried and judged before them by the Petit Juries. The whole stream of Justice in such Cases, either runs freely, or is stopped and disturbed, as the Grand Inquests do their Duties, either faithfully and prudently, or neglect or omit them.

And as one part of their Duty is to indict Offenders, so another part is to protect the Innocent, in their Reputations, Lives and Interests, from false Accusers, and malicious Conspirators: They are to search out the Truth of such Informations as come before them, and to reject the Indictment if it be not sufficiently proved; and farther, if they have reasonable suspicion of Malice, or wicked Designs against any Man's Life or Estate by such as offer a Bill of Indictment; the Laws of God, and of the Kingdom, bind them to use all possible means to discover the Villany; and if it appear to them (whereof they are the Legal Judges) to be a Conspiracy, or malicious Combination against the Accused, they are bound by the highest Obligations upon Men and Christians, not only to reject such a Bill of Indictment, but to indict forthwith all the Conspirators, with their Abettors and Associates.

Doubtless there hath been Pride and Covetousness, Malice, and desire of Revenge in all Ages, from whence have sprung false Accusations and Conspiracies; but no Age before us ever hatched such Villanies, as our Popish Faction have contrived against our Religion, Lives and Liberties. No History affords an Example of such Forgeries, Perjuries, Subornations and Combinations of infamous Wretches, as have been lately discovered amongst them, to defame Loyal, Innocent Protestants, and to shed their guiltless Blood in the Form and Course of Justice, and to make the King's most faithful Subjects appear to be the vilest Traitors unto him. In this our miserable State, Grand Juries are our only security, inasmuch as our Lives cannot be drawn into jeopardy, by all the malicious Crafts of the Devil, unless such a number of our honest Countrymen shall be satisfied in the truth of the Accusations. For prevention of such Plotters of wickedness as now abound, was that Statute made in the 42 of E. 3. 3. in these words: 'To eschew the mischiefs and damage done to divers of the Commons by False Accusers, which oft-times have made the Accusations more for Revenge and singular Benefit, than for the profit of the King, or of his People; which accused Persons, some have been taken, and sometimes caused to come before the King's Council by Writ, and otherwise, upon grievous pain, against the Law; It is assented and accorded for the good Government of the Commons, That no man be put to answer without presentment before Justices, or matter of Record, &c. according to the old Law of the Land, and if any thing be done to the contrary, it shall be void in Law; &c. And (saith the Statute of the 25 of E. 3. 4.) 'None shall be taken by Petition, or Suggestion made to the King, or his Council, unless it be by Indictment, or Presentment of good and lawful People of the same Neighbourhood where such deeds be done, &c. That is to say, by a Grand Jury.

All our Lives are thus by Law trusted to the Care of our Grand Inquests, that none may be put to answer for their Lives, unless they indict them. If a causeless Indictment of any man should carelessly pass from them, his guiltless Blood, or what prejudice soever the Accused should thereby suffer, must rest upon them, who by breach of their Trust were the occasions of it; their fault cannot be excused by the prosecution of an Attorney, or Solicitor General, or any other Accuser, if it were in their power to be more truly informed in the Case. Whosoever prevents not an Evil when he may, consents to it.

See the Stat.  
42 E. 3. 3.

Now to oblige these Juries to the more conscientious care, to Indict all that shall appear to them Criminals, and to save every Innocent, if it may be, from unjust vexation, and danger, by Malice and Conspiracy, our Ancestors appointed an Oath to be imposed upon them, which cannot be altered, except by Act of Parliament: Therefore every Grand-Jury-Man is sworn, as the Foreman, in the words following, viz.

*You shall diligently enquire, and true Presentment make of all such Articles, matters and things as shall be given you in charge: And of all other matters and things as shall come to your own knowledge, touching this present service. The King's Counsel, your Fellows, and your own, you shall keep secret: You shall present no person for Hatred or Malice; neither shall you leave any one unpresented for Favour or Affection, for Love or Gain, or any hopes thereof; but in all things you shall present the Truth, the whole Truth, and nothing but the Truth, to the best of your knowledge; so help you God.* The Tenor of the Oath is plain, saving in these words, *All such matters and things as shall be given you in charge:* But whensoever a general Commission of Oyer and Terminer is issued, all Capital Offences are always the principal matters given in charge to the Grand Jury, which is enough for the present discourse of their duty: Hence then it evidently appears, that every Grand Jury is bound to enquire diligently after the Truth of every thing, for which they shall Indict or Present any Man: They are not only bound by the Eternal Law of Loving their Neighbour, to be as tender of the Life and good Name of every Man, as of their own, and therefore to take heed to the Truth in Accusing or Indicting any Man; but their express Oath binds them to be diligent in their Enquiries, that is, to receive no suggestion of any Crime for Truth, without examining all the Circumstances about it, that fall within their knowledge; they ought to consider the first Informers, and enquire as far as they can into their Aims and Pretences in their prosecutions; if Revenge or Gain should appear to be their ends, there ought to be the greater suspicion of the Truth of their Accusations; the Law intending all Indictments to be for benefit of the King and of his People, as appears by the Stat. of 42 E. 3. 3. Next the Jury are bound to enquire into the matters themselves, whereof any man is accused, as to the time, place, and all other circumstances of the Fact alledged. There have been false Informers that have suggested things impossible; for instance, That Thirty Thousand Men in Arms were kept in readiness for an Exploit, in a secret place, as if they could have been hid in a Chamber, or a Cabinet. The Jury ought also to enquire after the Witnesses, their condition and quality, their fame and reputation, their means of subsistence, and the occasion whereby the Facts, whereof they bear witness, came to their knowledge. Sometimes persons of debauched lives, and low condition, have deposed Discourses, and Treasonable Councils against Persons of Honour and Virtue, so unlikely to come to their Knowledge, (if such things had been) that their pretence of being privy to them, was a strong Evidence that their whole story was false and feigned. It is also agreeable unto our ancient Law and Practice, and of great consequence in cases of Treason or Felony, that the Jury enquire after the time, when first the matters deposed came to the Witnesses knowledge, and whether they pursued the directions of the Law in the immediate Discovery and pursuit of the Traytor or Felon, by Hue and Cry, or otherwise, or how long they concealed the same; their Testimony being of little or no value, if they have made themselves partakers of the Crime by their voluntary Concealment.

Neither may the Jury lawfully omit to enquire concerning the Parties Accused, of their Quality, Reputation, and the manner of their Conversation, with many other circumstances; from whence they may be greatly helped to make right Inferences of the Falshood or Truth of the Crimes whereof any Man shall be accused. The Jury ought to be ignorant of nothing whereof they can enquire, or be informed, that may in their understandings enable them to make a true Presentment or Indictment of the matters before them.

When a Grand Jury is sworn to enquire diligently after all Treasons, &c. 'tis natural and necessary to their business, to think of whom they should enquire; and 'tis plainly and easily resolved, that they ought to enquire of every Man that can or will inform them; and if any kind of Treason be suggested to them, to have been done by any Man, or number of Men, their Duty is the same in that particular, as it was in the general; that is, to seek diligently to find the truth. 'Tis certainly inconsistent with their Oaths, to shut their Ears against any lawful Man that can tell them any thing relating unto a crime in question before them: No man will believe, nor can they themselves think that they desire to find and present the truth of a fact, if they shall refuse to hear any Man who shall pretend such knowledge of it, or such material Circumstances, as may be useful to discover it; whether that which shall be said by the pretenders will answer the Juries expectations, must rest in their Judgments, when they have heard them. It seems therefore, from the words of the Oath, that there is no bound or limit set (save their own understanding or Conscience) to restrain them to any number or sort of persons of whom they are bound to enquire; they



they ought first and principally to enquire of one another mutually, what knowledge each of them hath of any matters in question before them; the Law presumes that some at least of so many sufficient men of a County, must know or have heard of all notable things done there against the publick peace; for that end the Juries are by the Law to be of the Neighbourhood to the place where the crimes are committed. If the parties, and the facts whereof they are accused, be known to the Jury, or any of them, their own knowledge will supply the room of many Witnesses. Next, they ought to enquire of all such Witnesses as the Prosecutors will produce against the Accused; they are bound to examine all fully and prudently to the best of their skill; every Jury-man ought to ask such questions (by the Fore-man at least) as he thinks necessary to resolve any doubt that may arise in him, either about the Fact, or the Witnesses, or otherwise; if the Jury be then doubtful, they ought to receive all such further Testimony as shall be offered them, and to send for such as any of them do think able to give Testimony in the case depending.

If it be asked how, or in what manner the Juries shall enquire; the Answer is ready, According to the best of their understandings. They only, not the Judges, are sworn to search diligently to find out all Treasons, &c. within their charge, and they must and ought to use their own discretion in the way and manner of their Enquiry: No directions can legally be imposed upon them by any Court or Judges. An honest Jury will thankfully accept good Advice from Judges, as they are Assistants; but they are bound by their Oaths to present the Truth, the whole Truth, and nothing but the Truth, to the best of their own, not the Judges, knowledge: Neither can they, without breach of that Oath, resign their Consciences, or blindly submit to the dictates of others; and therefore ought to receive, or reject such Advices, as they judge them good or bad.

If the Jury suspect a Combination of Witnesses against any Man's Life, (which perhaps the Judges do not discern) and think it needful to examine them privately and separately, the discretion of the Juries in such a case, is their only best and lawful guide, though the example of all Ages and Countries, in examining suspected Witnesses privately and separately, may be a good direction to them.

Nothing can be more plain and express, than the words of the Oath are to this purpose. The Jurors need not search the Law-Books, nor tumble over heaps of old Records for the explanation of them. Our greatest Lawyers may from hence learn more certainly our ancient Law in this case, than from all the Books in their Studies. The Language wherein the Oath is penned, is known and understood by every Man, and the words in it have the same signification, as they have wheresoever else they are used. The Judges (without assuming to themselves a Legislative Power) cannot put a new sense upon them, other than according to their genuine, common meaning. They cannot Magisterially impose their Opinions upon the Jury, and make them forsake the direct words of their Oath, to pursue their glosses. The Grand Inquest are bound to observe alike strictly every part of their Oath; and to use all just and proper ways which may enable them fully to perform it; otherwise it were to say, that after men had sworn to enquire diligently after the Truth, according to the best of their knowledge, they were bound to forsake all the natural and proper means which their Understandings suggest for the Discovery of it, if it be commanded by the Judges.

And therefore if they are jealous of a Combination of the Witnesses, or that Corruption and Subornation hath been made use of, they cannot be restrained from asking all such Questions, as may conduce to the sifting out of the Truth, nor from examining the Witnesses privately and separately; lest (as *Fortescue* says) the saying of one should provoke or instruct others to say the like.

Nor are the Jury tied up to enquire only of such Crimes as the Judges shall think fit to give them directly in charge, much less of such Bills only as shall be offered to them; but their Enquiry ought to extend to *All other Matters and Things which shall come to their Knowledge, touching the present Service*. If they have ground to suspect that any Accusation before them proceeds from a Conspiracy, they are obliged by their Oaths to turn the Enquiry that way, and if they find cause, not only to reject the Bills offered upon such Testimonies, but to Indict such Witnesses, and all the Abettors of their Villany.

They are carefully to examine what sort of men the Witnesses are; for 'tis a Rule in all Laws, That *Turpes à Tribunalibus arcentur*, Vile Persons ought to be rejected by Courts of Justice. Such Witnesses would destroy Justice instead of promoting it. And the Grand Jury are to take care of admitting such: They may and ought (if they have no certain knowledge of them) to ask the Witnesses themselves of their Condition, and way of living, and all other Questions, which may best inform them what sort of men they are. 'Tis true, it may be lawful for the Witnesses, in many cases, to refuse to give answer to some demands which the Jury may make; as where it would be to accuse themselves of Crimes: but yet that very refusal, or avoiding to give direct Answers, may be of great use

use to the Jury, whose only business is to find out the Truth; and who will be in a good measure enabled to judge of the Credit of such Witnesses, as dare not clear themselves of Crimes, which common Fame, or the knowledge of some of the Grand Inquest has charged them with?

If the Witnesses which come before the Grand Jury upon an Indictment for Treason, should discover upon their examination, that they concealed it a long time without just impediment; The presumption of Law will be strong against them, that no sense of Honesty or of their Duty brought them at last to reveal it.

It appears by *Bracton*, that ancient Writer of our Laws, that in Cases of Treason the Juries were in his days advised (as now they ought) to be so severe in their Enquiry without what time the Witnesses discovered the Treason after it came to their knowledge: That if it were not evident that they revealed it with as much expedition as was well possible for them, they were not by Law to be heard as Witnesses; It was scarce permitted them (saith he) to look back in their going; such ought to be their speed to make known the Treason. Or if in any case they be otherwise openly flagitious, though they be not legally infamous, or if they are men of desperate Fortunes, so that the temptation of want is manifestly strong upon them, and the restraint of Conscience can be supposed to be little or none at all; whatever they say is (at least) to be heard with extraordinary caution, if not totally rejected. In *Scotland* such a degree of Poverty, that a Witness cannot swear himself to be worth Ten pounds, is sufficient to lay him aside wholly in these high Concernments of Criminal Cases: And in some other Kingdoms to be a loose liver is an Objection of the same force, against any produced for Witnesses.

And for the better discovery of the Truth of any fact in question, the Credit of the Witnesses, and the Value of the Testimonies, it is the duty of the Grand Inquest to be well informed concerning the Parties Indicted; of their usual Residence, their Estates and manner of Living; their Companions and Friends with whom they are accustomed to converse; such knowledge being necessary to make a good judgment upon most accusations; but most of all in Suspicions, or Indictments of secret Treasons, or Treasonable Words where the Accusers can be of no credit, if it be altogether incredible that such things as they testify should come to their knowledge.

Sometimes the quality of the accused person may set him at such a distance from the Witnesses, that he cannot be supposed to have conversed with them familiarly, if his Wisdom and Conduct has been always such, that it is not credible he would trust men so inconsiderable, or meer strangers to him, and such as are wholly incapable to assist in the Design which they pretend to discover.

Can the Grand Inquest believe such Testimony to be of any value? Or can they avoid suspecting Malice, Combination, and Subornation in such a Case? Or can they shew themselves to be just, and conscientious in their Duty, if they do not suspend their Verdict until further Enquiry, and write *Ignoramus* upon the Bill?

It is undoubtedly Law which we find reported in *Stiles*, That Though there be Witnesses who prove the Bill, yet the Grand Inquest is not bound to find it, if they see cause to the contrary.

Now to make their Enquiry more instrumental and advantageous to the Execution of Justice, they are enjoined by their Oath to keep secret the King's Counsel, their fellows, and their own. Perhaps 'tis not sufficiently understood or considered, what Duty is enjoined to every Man of a Grand Inquest by this clause of their Oath, being seldom (if ever) explained to them in the general charge of the Judges at Sessions or Assizes: But it is necessary that they should apprehend what Counsel of the King is trusted with them. Certainly there is or ought to be much more of it communicated to them, than is commonly thought, and in things of the greatest consequence. To them ought to be committed in the several Counties where any Prosecutions are begun, the first Informations and Suspicions of all Treasons, Murders, Felonies, Conspiracies, and other Crimes, which may subvert the Government, endanger, or hurt the King, or destroy the Lives or Estates of the innocent People, or any way disquiet or disturb the common Peace. Our Law intends the Counsels of the King to be continually upon the protection and security of the People, and prevention of all their mischiefs and dangers by wicked, lawless, and injurious men. And in order thereunto to be advising how to right his wronged Subjects in general, if the publick safety be hazarded by Treasons of any kind; or their Relations snatched from them by Murderers, or any way destroyed by malicious Conspirators in form of Law; or their Estates taken away by Robbery and Thieves, or the Peace broken. And for these ends to bring to exemplary Justice all offenders, to deter others from the like wickedness. And until these Counsels of the King come to the Grand Jury, he can bring no such Criminals to judgment, or to answer to the Accusations and Suggestions against them. Hence it becomes unavoidably necessary to reveal to the Grand Juries all that hath been discovered to the King or any of his Ministers, Judges, or Justices, concerning any Treasons, or other

Brac. L. 3. c. 3.  
Non morari debet, &c. nec debet ad aliqua negotia, quamvis urgentissima, se convertere, quia vix permittitur ei quod retro aspiciat, &c. Si post interval- lum accusare velit, non erit de Jure audiendus.  
S.G. Macken- zy, Crim. Law, lib. 26. 3.

Stiles, Re- port 11.

Offences, whereof any Man is accused. And where suspicion hath caused any to be imprisoned, all the grounds of their suspicions ought to be opened, concerning the Principals and the Accessories, as well before as after the fact, all the circumstances and presumptions that may induce a belief of their Guilt, and all notices whatsoever, which may enable the Jury to make a more exact and effectual Enquiry, and to present the whole Truth. They themselves will not only be offenders against God by reason of their Oath, but subject to legal punishments, if they knowingly conceal any Criminals, and leave them unpresented; and none can be innocent, who shall conceal from them any thing that may help and assist them in their Duty.

The first notices of Crimes or suspicions of the Criminals by whomsoever brought in, and the intentions of searching them out, and prosecuting them legally, are called the King's Counsel, because the principal care of executing Justice is entrusted to him, and they are to be prosecuted at his Suit, and in his Name; and such proceedings are called Pleas of the Crown. From hence may be easily concluded, that the King's Counsel, which by the Oath of the Grand Inquest is to be kept secret, includeth all the persons offered to them to be Indicted, and all the matters brought in Evidence before them, all circumstances whatsoever whereof they are informed, which may any way conduce to the discovery of offences; all intimations given them of Abettors and Encouragers of Treasons, Felonies, or Perjuries and Conspiracies, or of the Receivers, Harbourers, Nourishers, and Concealers of such Criminals.

Likewise the Oath which enjoins the Counsel of their Fellows, and their own, to be kept, implies that they shall not reveal any of their personal knowledg concerning Offences or Offenders; nor their intentions to Indict any Man thereupon; nor any of the Proposals and Advices amongst them of ways to enquire into the truth of any matter before them, either about the Crimes themselves, or the Accusers and Witnesses, or the party accused, nor the debates thereupon amongst themselves, nor the diversity of opinions in any case before them.

Certainly this Duty of secrecy concerning the King's Counsel was imposed upon the Grand Inquest with great reason, in order to the publick good. It was intended that they should have all the advantages which the several cases will afford, to make effectual Enquiries after Criminals, to offer them to Justice. If packs of Thieves, private Murderers, secret Traitors, or Conspirators and Suborners, can get intelligence of all that is known of their Villanies, all the parties concerned may consult together, how to hide their crimes, and prevent such further enquiries as can be made after them; they may form Sham-Stories by agreement, that may have appearance of Truth to mislead and delude the Jury in their Examination, and avoid contradicting each other; they may remove or conceal all such things as might occasion a fuller discovery of their Crimes, or become circumstantial Evidences against any of their Associates, if one or more of them be known or taken, or is to be Indicted. There hath been Confederates in high Crimes, who have secured themselves from the Justice done upon some of their Companions, by their confident appearance and denial of the Fact, having been emboldened therein from their knowledg of all the grounds of suspicion, and all the Witnesses examined about them, and the matter of their Testimonies. 'Tis too well known what helps of discovering the whole Popish Plot were lost, through the want of keeping secret the King's Counsel therein, before the matter was brought either to the Parliament, or to any Grand Inquest; and thereby they were disabled for the effectual execution of their Offices, and could never search into the Bowels of that dangerous Treason in any County. But our Law having placed this great trust of Enquiry in the prudence and faithfulness of the Grand Inquest, was careful that they might not disable themselves for their own trust, by the indiscretion or worse fault of any of their own number, in revealing the King's Counsel or their own.

And as it was intended hereby to preserve unto them all reasonable helps for their bringing to light the hidden mischiefs that might disturb the common Peace; so it was necessary to prevent the Flight of Criminals; if the Evidence against one that is accused should be publickly known, whether it should be sufficient for an Indictment of him, and how far it extends to others; his Confederates and Accomplices might easily have notice of their danger, and take opportunity to escape from Justice.

Yet the reason will be still more manifest for keeping secret the Accusations and the Evidence by the Grand Inquest, if it be well considered, how useful and necessary it is for discovering Truth in the Examinations of Witnesses in many, if not in most Cases that may come before them; when if by this Privacy Witnesses may be examined in such manner and Order, as prudence and occasion direct; and no one of them be suffered to know who hath been examined before him, nor what questions have been asked him, nor what answers he hath given, it may probably be found out whether a Witness hath been biased in his Testimony by Malice or Revenge, or the Fear or Favour of Men in Power, or the



Love or Hopes of Lucre and Gain in present or future, or Promises of impunity for some enormous Crime.

The simplicity of Truth in a Witness may appear by the natural plainness, easiness, and directness of his Answers to whatsoever is propounded to him, by the equality of his Temper, and suitableness of his Answers to questions of several kinds, and perhaps to some that may be asked for trial sake only of his uprightness in other matters. And the Falseness, Malice, or ill Design of another, may be justly suspected from his studiousness and difficulty in answering; his Artifice and cunning in what he relates, not agreeable to his way of breeding and parts; his reserved, indirect, and evasive Replies to easy Questions; his pretences of doubtfulness, and want of remembering things of such short dates, or such Notoriety, that is not credible he could be ignorant or forgetful of them. In this manner the Truth may be evidenced to the satisfaction of the Jurors Consciences, by the very demeanor of the Witnesses in their private Examinations, inasmuch as the greatest certainty doth often arise from the careful observation and comparing of such minute matters; of which a distinct account is not possible to be given to a Court: And for that Reason (among others) the Juries are made the only absolute Judges of their Evidence.

Yet further, Their private Examination may discover truth out of some disagreement of the Witnesses, when separately interrogated, and every of the Grand Inquest ask them Questions for his own satisfaction about the matters which have come to his particular knowledge, and this freely without Awe or Controul of Judges, or distrust of his own Parts, or fear to be checked for asking impertinent Questions.

Conspiracies against the Lives of the Innocent in a form of Justice, have been frequently detected by such secret and separate Examination of Witnesses. The Story of *Susanna* is famous; that two of their Elders and Judges of great Credit and Authority, testified in the open Assembly a malicious Invention against her, with all the solemnity used in capital Cases; and Sentences of Death passed upon her, and was ready to be executed, had not wise Daniel cried out in her behalf: *Are ye such Fools, O Israelites, that without examination, or knowledge of the Truth, ye have condemned a Daughter of Israel? Return (said he) again to judgment, and put these two one far from another, and I will examine them:* And being asked separately (tho in publick, the Testimony having been so given before) concerning the place of the Fact then in question, they had not agreed upon that Circumstance, as they had upon their Story; and so their falshood became manifest, one saying *the Adultery was committed under a Lentisk Tree*, the other, *it was under a Pine Tree*: And upon that conviction of the false Witnesses, the whole Assembly cried with a loud voice, and praised God. These false Witnesses were put to death as their Law required.

We have also a late Instance of the usefulness of private and separate Examinations, in the Case of the Lord *Howard*, against whom the Attorney-General prosecuted an Accusation of Treason, the last *Midsummer* Term, before the Grand Inquest for *Middlesex*. Mrs. *Fitz Harris*, and *Teresa Peacock* her Maid, swore words of Treason against him positively, and agreed in every point whilst they were together: But by the prudence of the Inquest, being put asunder, and the Mistress asked how her Maid came to be admitted to the knowledge of such Matters; she had an Evasion ready, pretending her Maid to have craftily hearkened behind a Wainscot Door. and so heard the Treason. But the Maid not suspecting what her Mistress had said, continued her first Story, that she heard the Treason from the Lord *Howard* himself, and was as much trusted by him as her Mistress: By this Circumstance the Falshood and Perjury (which Mrs. *Fitz Harris* hath since acknowledged) was discovered, and the Snare for the Life of the injured Lord was broken, as is manifest by his liberty now obtained by Law.

Witnesses may come prepared, and tell plausible Stories in open Court, if they know from the Prosecutor to what they must answer; and have agreed and acquainted each other with the Tales they will tell; and have resolved to be careful, that all their Answers to cross Interrogatories, may be conformable to their first Stories: And if these relate only to Words spoken at several times in private to distinct Witnesses, in such a case, Evidence, if given in open Court, may seem to be very strong against the Person accused, though there be nothing of truth in it. But if such Witnesses were privately and separately examined by the Grand Inquest, as the Law requires, and were to answer only such Questions as they thought fit; and in such order as was best in their Judgments, and most natural to find out the Truth of the Accusation, so that the Witnesses could not guess what they should be asked first, or last, nor one conjecture what the other had said, (which they are certain of when they know beforehand what the Prosecutor will ask in Court of every of them, and what they have resolved to answer) if the Inquest should put them out of their Road, and then compare all their several Answers together, they might possibly discern marks enough of falshood, to shew that their Testimonies ought not to be depended upon, where Life is in question.

Note, That the Testimony given in the Assembly without separating the witnesses, and trying the Truth by Circumstances, was esteemed no Examination, or knowledge of the Truth.

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By what is now said, the reasonableness of this Institution of Secrecy may be discerned in respect to the discovery of Truth, and the protection of the Innocent from malicious Combinations and Perjuries. Yet the same Secrecy of the King's Counsel is no less necessary to reserve the guilty for punishment; when the Evidence against any party accused is not manifest and full, it may be kept without prejudice under Secrecy until further enquiry; and if sufficient proof can afterwards be made of the Offence, an Indictment may be found by a Grand Inquest, and the Party brought to answer it: But when the Examinations are in open Court, or the King's Council any other way divulged, and the Evidence is weak, and less than the Law requires, 'tis not probable that it will be more or stronger; and should an Indictment be found, and the Party tried by a Petit Jury, whilst the Evidence is not full, they must and ought to acquit him, and then the further prosecution for the same Offence is for ever barred, though his guilt should afterwards be manifest, and confessed by himself.

From hence may certainly be concluded, That Secrecy in the Examinations and Enquiries of Grand Juries is in all respects for the Interest and advantage of the King. If he be concerned to have secret Treason, Felonies, and all other Enormities brought to light, and that none of the Offenders should escape Justice; if the gain of their Forfeitures be thought his Interest (which God forbid) then the first notices of all dangerous Crimes, and wicked Confederacies ought to be secretly and prudently pursued and searcht into by the Grand Inquest: the Accusers and Witnesses ought not to publish in a Court before a multitude what they pretend to know in such Cases, until the discretion of so many honest Men of the Neighbourhood, hath first determined whether their Testimony will amount to so good and full Evidence, that it may be made publick with safety to the King and People in order to Justice. Else they are obliged by Oath to lock up in their own Breasts all the Circumstances and Presumptions of Crimes, until they, or such as shall succeed in the same Trust, shall have discovered (as they believe) Evidence enough to convict the Accused, and then, and not before, they are to accuse the Party upon Record, by finding the Bills, (as it's usually called.) But when Bills are offered without satisfactory Evidence, and they neither know, nor can learn any more, they ought for the King's sake to indorse *Ignoramus* upon them, lest his Honour and Justice be stained by causing or permitting such Prosecution of his People in his own name, and at his Suit, as shall appear upon their Tryal and Acquittal to have been frivolous, or else malicious designs upon their Lives and Fortunes.

If it should be said, That whatsoever Reasons there are for this Oath of Secrecy; yet it cannot deprive the King of the benefit of having the Evidence made publick, if he desires it; and that the Grand Jury do not break their Oaths, when the King, or the Prosecutor for him, will have it so: 'Tis not hard to shew, that such Notions have no foundation in Law or Reason, and seem to come from Men who have not well studied the first Principles of the English Government, or of True Religion.

Whosoever hath learnt that the Kings of England were ordained for the good Government of the Kingdom in the Execution of the Laws, must needs know, that the King cannot lawfully seek any other benefit in judicial proceedings, than that common Right and Justice be done to the People according to their Laws and Customs. Their Safety and Prosperity are to be the Objects of his continual Care and Study, that being the highest concern. The Greatness and Honour of a Prince consists in the Virtue, Multitude, Wealth and Prowess of his People; and his greatest Glory is, by the excellency of his Government so to have encouraged Virtue and Piety, that few or no Criminals are to be found in his Dominions. Those who have made this their principal aim, have in some places so well succeeded, as to introduce such a Discipline and rectitude of Manners, as rendered every man a Law unto himself. As it is reported in the History of Peru, that though the Laws were so severe as to make very small Crimes capital, yet it often fell out, that not one man was put to death in a year, within the whole compass of that vast Empire.

The King's only benefit in finding out and punishing Offenders by Courts of Justice, are the preservation and support of the Government, the protection of the Innocent, revenging their wrongs, and preventing further mischiefs by the terrors of exemplary Punishments.

The King is the head of Justice in the esteem of our Laws, and the whole Kingdom is to expect right to be done them in his several Courts instituted by Law for that purpose. Therefore Writs issue out in his name in all cases where relief is sought by the Subject: and the wrongs done to the Lives or Limbs of the People, are said to be done against the Peace of the King, his Crown and Dignity; reckoning it a dishonour to him and his Government, that Subjects should not, whilst they live within the Law, enjoy Peace and Security. It ought to be taken for a scandal upon the King, when he is represented in a Court of Justice as if he were partially concerned, or rather inclined to desire, that a Party accused should be found guilty, than that he should be declared innocent, if he be so in truth. Doubtless the King

King ought to wish in all Enquiries made after Treason, Felonies, &c. that there were none to be found in his Kingdom; and that whosoever is accused, might be able to answer so well and truly for himself, as to shew the Accusation to be erroneous or false, and to be acquitted of it. Something of this appears in the common Custom of *England*, that the Clerks of the King's Courts of Justice, when any man hath pleaded Not guilty to an Indictment, prays forthwith that God would send him a good deliverance.

The destruction of every Criminal is a loss to a Prince, and ought to be grievous to him, in the common regard of humanity, and the more particular Relation of his Office, and the name of Father. The King's Interest and Honour is more concerned in the protection of the Innocent, than in the punishment of the Guilty. This Maxime can never run them into excesses; for it hath ever been lookt upon as a mark of great Wisdom and Vertue in some Princes and States, upon several occasions to destroy all Evidences against Delinquents; and nothing is more usual than to compose the most dangerous Distempers of Nations by Acts of general Amnesty, which were utterly unjust, if it were as great a Crime to suffer the Guilty to escape, as to destroy the Innocent. We do not only find those Princes represented in History under odious Characters, who have basely murdered the Innocent, but such as by their Spies and Informers were too inquisitive after the Guilty; whereas none was ever blamed for Clemency, or for being too gentle Interpreters of the Laws. Tho *Trajan* was an excellent Prince, endowed with all heroical Virtues; yet the most Eloquent Writers, and his best Friends, found nothing more to be praised in his Government, than that in his time, all men might think what they pleased, and every man speak what he thought; and he had no better way of distinguishing himself from his wicked Predecessors, than by hanging up the Spies and Informers, whom they had employed for the discovery of Crimes. But if the punishment of Offenders were as universally necessary as the protection of the Innocent, he were as much to be abhorred as *Nero*; and that Clemency which is so highly praised, were to be lookt upon as the worst of Vices; and those who have hitherto been taken for the best of Princes, were altogether as detestable as the worst.

*Tacit. lib. 1.  
Hist.*

Moreover all humane Laws were ordained for the preservation of the Innocent, and for their sakes only are punishments inflicted; that those of our own Country do solely regard this, was well understood by *Fortescue*, who saith, *Indeed I could rather wish Twenty Evil-doers to scape death through pity, than one man to be unjustly condemned. Such Blood hath cried to Heaven for Vengeance against Families and Kingdoms, and their utter destruction hath ensued. If a Criminal should be acquitted by too great lenity, caution, or otherwise, he may be reserved for future Justice from Man or God, if he doth not repent; but 'tis impossible that satisfaction or reparation should be made for innocent Bloodshed in the forms of Justice.*

*Fort. de Laud.  
Leg. Ang.  
ch. 27.*

Without all question, the King's only just Interest in the Evidence given against the Party accused, and in the manner of taking it, is to have the truth made manifest, that Justice may thereupon be done impartially: And if Accusations may be first examined in secret more strictly and exactly, to prevent Fraud and Perjury, than is possible to be done in open Court, (as hath before appeared) then 'tis for the King's benefit to have it so. And nothing done in, or by a Court, about the Trial of the Accused, is for the King, (in the sense of our Law) unless it some way conduce to Justice in the case. The Witnesses which the Prosecutor brings, are no further for the King, than they tell the truth, and the whole truth impartially: and by whomsoever any others may be called, upon the Enquiry, or the Trial to be examined, if they sincerely deliver the truth of the matters in question, they are therein the King's Witnesses, though the Accused be acquitted by reason of their Testimonies. If such as are offered by the Attorney-General to prove Treason against any man, shall be found to swear falsely, maliciously, or for Reward or Promises, though they depose positively Facts of Treason against the Accused, yet they are truly and properly Witnesses against the King, by endeavouring to prevent Justice, and destroy his Subjects: Their Malice and Villany being confessed or proved, the King's Attorney ought (*ex Officio*) to prosecute them in the King's Name, and at his Suit, for their Offences against him in such Depositions pretended to have been for him: and the legal Form of the Indictment ought to be for their swearing falsely and maliciously against the Peace of the King, his Crown and Dignity. The Prosecutors themselves, notwithstanding their big words, and assuming to themselves to be for the King, if their Prosecution shall be proved to be malicious, or by Conspiracy against the Life or Fortune of the Accused, they are therein against the King, and ought to be indicted at the King's Suit, for such Prosecutions done against His Crown and Dignity. And if an Attorney-General should be found knowingly guilty of abetting such a Conspiracy, his Office could not excuse or legally exempt him from suffering the villainous Judgment to the destruction of him and his Family. 'Tis esteemed in the Law one of the most odious Offences against the King, to attempt in his Name to destroy the Innocent, for whose Protection he himself was ordained. Queen *Elizabeth* had the true sense of our Law,



Co. Inst. 3d  
part, p. 79.

when the Lord *Burleigh*, upon Sir *Edward Coke* her then Attorney's coming into her presence, told her, This is he who prosecutes *pro Domina Regina*, for our Lady the Queen; and She said she would have the form of the Records altered; for it should be *Attornatus Generalis qui pro Domina veritate sequitur*. The Attorney-General who prosecutes for our Lady the Truth. Whoever is trusted in that employment, dishonours his Master and Office, if he gives occasion to the Subjects to believe that his Master seeks other profits or Advantages by Accusations, than the common Peace and Welfare: He ought not to excite a jealousy in any of their minds, that confiscations of Estates are designed or desired by any of the King's Ministers; whosoever makes such advantages to the Crown, their principal aim in accusing, are either Robbers and Murtherers, (in the Scripture-sense) in seeking innocent Blood for gain; or in the mildest Construction, (supposing the Accusation to be on good grounds) they shew themselves to be of corrupt minds, and a scandal to their Master, and the Government. Profit or loss of that kind ought to have no place in judicial proceedings against suspected Criminals, but truth is only to be regarded; and for this reason the Judgments given in Court of humane Institution, are in Scripture called, the Judgments of God, who is the God of truth.

Co. Instit. 3d  
part, p. 107.  
*Rules Indic.*  
771.

Yet further, If any benefit to the King could be imagined by making the Evidence to the Grand Jury publick, it could not come in competition with the Law expressed in their Oath; which by constant uninterrupted usage, for so many Ages, hath obtained the force of Law. *Bracton* and *Britton* in their several Generations bear witness, that it was then practised; and greater proof of it needs not be sought, than the Disputes that appear by the Law-Books to have been amongst the ancient Lawyers, whether it was Treason or Felony for a Grand-Jury to discover, either who was indicted, or what Evidence was given them. The Trust of the Grand Juries was thought so sacred in those Ages, and their secrecy of so great concern to the Kingdom, that whosoever should break their Oath therein, was by all thought worthy to die; only some would have had them suffer as Traytors, others as Felons. And at this day it is held to be a high Misprision, punishable by Fine and Impoverishment. The Law then having appointed the Evidence to be given to Grand Juries in secret, the King cannot desire to have it made publick. He can do no wrong, saith the old Maxime, that is, He can do nothing against the Law; nor is any thing to be judged for his benefit that is not warranted by Law: His Will, Commands, and Desires, are therein no otherwise to be known. He cannot change the legal Method or manner of enquiring by Juries, nor vary in any particular case from the customary and general forms of judicial proceedings; he can neither abridge nor enlarge the power of Juries, no more than he can lessen the legal Power of the Sheriffs or Judges, or by special Direction order the one how they shall execute Writs, and the other how they shall give Judgments, though these made by himself.

'Tis criminal, no doubt, for any to say, that the King desires a Court of Justice, or a Jury, to vary from the direction of the Law, and they ought not to be believed therein: If Letters, Writs, or other Commands should come to the Judges for that purpose, they are bound by their Oaths not to regard them, but to hold them for null; the Statutes of 2 E. 3. 8. and 20 E. 3. 1. are express, That if any Writs or Commandments come to the Justices in disturbance of the Law, or the Execution of the same, or of right to the Parties, they shall proceed as if no such Letters, Writs, or Commands were come to them: And the substance of these and other Statutes is inserted into the Oath taken by every Judge; and if they be under the most solemn and sacred Tie in the Execution of Justice, to hold for nothing, or none, the Commands of the King under the Great Seal, surely the Word, or Desire of an Attorney-General, in the like case, ought to be less than nothing.

Besides, they are strangely mistaken, who think the King can have an Interest different from, or contrary unto that of the Kingdom, in the prosecution of Accused Persons: His Concernments are involved in those of his People; and he can have none distinct from them. He is the Head of the Body Politick; and the legal Course of doing Justice, is like the orderly circulation of the Blood in the Natural Bodies, by which both Head and Body are equally preserved, and both perish by the interruption of it.

Brom. p. 1159:  
Mat. Paris,  
p. 153.

The King is obliged to the utmost of his Power, to maintain the Law, and Justice in its due course, by his Coronation Oath, and the Trust thereby reposed in him. In former Ages he was conjured not to take the Crown, unless he resolved punctually to observe it. *Bromton* and others, speaking of the Coronation of *Richard* the first, delivered it thus, That having first taken the Oath; *Deinde induit Mantello, ductus est ad Altare, & conjuratus ab Archiepiscopo, & prohibitus ex parte Dei, ne hunc Honorem sibi assumat, nisi in mente habeat tenere Sacramenta & Vota quæ superius fecit. Et Ipse respondit, se per Dei auxilium omnia supradicta observaturum bona fide. Deinde cepit Coronam de Altari, & tradidit eam Archiepiscopo,*

*piscopo, qui posuit eam super caput Regis, & sic Coronatus Rex, ductus est ad sedem suam.* Afterward cloathed with the Royal Robe, he is led to the Altar, and conjured by the Archbishop, and forbid in the Name of God, not to assume that Honour, unless he intended to keep the Oaths and Vows he had before made; and he answered, By God's help he would faithfully observe all the Premises: and then he took the Crown from off the Altar, and delivered it to the Archbishop, who put it upon the King's Head, and the King thus Crowned, is led unto His Seat. The violation of which Trust cannot but be as well a wound unto their Consciences, as bring great Prejudice upon their Persons and Affairs.

The Common-Law that exacts this, doth so far provide for Princes, That having their minds free from cares of preserving themselves, they may rest assured, that no Acts, Words, or Designs, that may bring them into danger, can be concealed from the many Hundreds of Men, who by the Law are appointed in all parts of the Kingdom, watchfully to take care of the King; and are so far concerned in His safety, that they can hope no longer to enjoy their own Lives and Fortunes in Peace, than they can preserve him, and the good Order which according to the Laws he is to uphold.

It is the joyn't Interest of King and People, that the ancient Rules of doing Justice be held sacred and inviolable; and they are equally concerned in causing strict enquiries to be made into all Evidences given against suspected, or accused Persons, that the Truth may be discovered; and such as dare to disturb the Publick Peace by breaking the Laws, may be brought to punishment. And the whole course of Judicial Proceedings in Criminal Causes, shews that the People is therein equally concerned with the King, whose name is used. This is the ground of that distinction which Sir Ed. Coke makes between the Proceedings in Pleas of the Crown, and Actions for wrongs done to the King himself. *In Pleas of the Crown, or other common offences, nuisances, &c. principally concerning others, or the Publick, there the King by Law must be apprised by Indictment, Presentment; or other matter of Record; but the King may have an Action for such wrong as is done to himself, and whereof none other can have an Action but the King, without being apprised by Indictment, Presentment, or other matter of Record, as a Quare impedit, Quare incumbavit, a Writ of Attaint, of Debt. Detinue of Ward, Escheat, Scire fac. per repealer patent, &c.* Unto which every Man must answer: But no Man can be brought to answer for Publick Crimes at the King's Suit, otherwise than by Indictment of a Grand Jury.

Co. 3d. Inst.  
pag. 136.

The whole Course of doing Justice upon Criminals, from the beginning of the Process, unto the Execution of the Sentence, is, and ever was esteemed to be the Kingdoms concernment, as is evidenced by the frequent Complaints made in Parliament, that Capital Offenders were pardon'd to the Peoples damage and wrong. In the 13 Rich. 2. it is said, that the King hearing the grievous complaints of his Commons in Parliament, of the outrageous mischiefs which happened unto the Realm, for that Treasons, Murders, and Rapes of Women, be commonly done, and committed, and the more because Charters of Pardon had been easily granted in such Cases; And thereupon it was enacted, That no Pardon for such Crimes should be granted, unless the same were particularly specified therein; and if a Pardon were otherwise granted for the Death of a Man, the Judges should notwithstanding enquire by a Grand Jury, of the Neighbourhood, concerning the Death of every such Person, and if he were found to have been wilfully Murdered, such Charter of Pardon to be disallowed; and provisions were made by imposing grievous Fines upon every person, according to his Degree and Quality, or Imprisonment, who should presume to sue to the King for any Pardons of the aforesaid Crimes, and that such persons might be known to the whole Kingdom, their Names were to be upon several Records. The like had been done in many Statutes made by several Parliaments, as in the 6 Ed. 1. 9. the 2 Ed. 3. 2. the 10 Ed. 3. 2. and the 14 Ed. 3. 15. where it was acknowledged by the King in Parliament, *That the Oath of the Crown had not been kept, by reason of the Grant of Pardons contrary to the aforesaid Statutes; and Enacted that any such Charter of Pardon, from thenceforth granted against the Oath of his Crown, and the said Statutes, the same should be bolden for none.* In the 27 Edw. 3. 2. It is further provided, for preventing the Peoples damage by such Pardons, *That from thenceforth in every Charter of Pardon of Felony, which shall be granted at any mans suggestion, the said suggestion, and the name of him that maketh the suggestion, shall be comprised in the same Charter; and if after the same suggestion be found untrue, the Charter shall be disallowed and bolden for none: And the Justices before whom such Charter shall be alledged, shall enquire of the same suggestion, and that as well of Charters granted before this time, as of Charters which shall be granted in time to come; and if they find them untrue, then they shall disallow the Charter so alledged, and shall moreover do as the Law demandeth.*

Thus have Parliaments from time to time declared, that the Offences against the Crown are against the publick welfare, and that Kings are obliged by their Oath and Office

Office to cause Justice to be done upon Traytors and Felons for the Kingdom's sake; according to the ancient Common-Law, declared by *Magna Charta* in these words: *Nullo negabimus, nulli vendemus, nulli differemus Justitiam.* VVe will sell to no Man, we will not deny or defer to any Man either Justice or Right.

9 Hen 3. 29.

Polib. lib. 5.

And as the publick is concerned, that the due and legal Methods be observed in the Prosecution of Offenders, so likewise doth the security of every single Man in the Nation depend upon it: No Man can assure himself he shall not be accused of the highest crimes. Let a Man's Innocence and Prudence be what it will, yet his most inoffensive VVords and Actions are liable to be misconstrued, and he may, by Subornation and Conspiracy, have things laid to his charge, of which he is no ways guilty. VVho can speak or carry himself with that circumspection, as not to have his harmless VVords or Actions wrested to another sense than he intended? VVho can be secure from having a Paper put into his Pockets, or laid in his House, of which he shall know nothing till his Accusation? History affords many Examples of the detestable Practices in this kind of wicked Court-Paraites, among which one may suffice for Instance, out of *Polibius*, an approved Author: *Hermes*, a powerful Favourite, under *Antiochus* the younger, but a Man noted to be a favourer of Liars, was made use of against the innocent and brave *Epigenes*: He had long watch'd to kill him, for that he found him a Man of great Eloquence and Valour, having also Favour and Authority with the King: He had unjustly, but unsuccessfully, accused him of Treason by false glosses put upon his faithful Advice given to the King in open Council; this not prevailing, he by artifice got him put out of his Command, and to retire from Court; which done, he laid a Plot against him, with the help and Council of (one of his Complices) *Alexis*, and writing Letters as if they had been sent from *Molon*, (who was then in open Rebellion against his Prince for fear, amongst other Reasons, of the Cruelty and Treachery of *Hermes*) and corrupted one of *Alexis*'s Servants with great Promises, who went to *Epigenes*, to thrust the Letters secretly among his other Writings, which when he had done, *Alexis* came suddenly to *Epigenes*, demanding of him, if he had received any Letter from *Molon*: and when he said he had none, the other said, he was confident he should find some; wherefore entering the House to search, he found the Letters, and taking this occasion, slew him, (lest if the Fact had been duly examined, the Conspiracy had been discovered.) These things happening thus, the King thought that he was justly slain; in this manner the worthy *Epigenes* ended his days: But this great Man's designs did not rest here; for within a while, heightened with success, he so arrogantly abused His Master's Authority, as he grew dangerous to the King himself, as well as to those about him; inasmuch as *Antiochus* was forced, for that he hated and feared *Hermes*, to take away his Life by Stratagem, thereby to secure himself. By these, and a Thousand other ways, the most unblemish'd Innocence may be brought into the greatest danger. Since then every Man is thus easily subject to question, and what is one Man's Case this day, may be another Man's to-morrow, it is undoubtedly every Man's concern to see (as far as in him lies) in every case, that the accused Person may have the benefit of all such provisions, as the Law hath made for the defence of Innocence and Reputation.

Now to this end there is nothing so necessary as the secret and separate examination of Witnesses, for though perhaps (as hath been already observed) it may be no very difficult thing for several persons, who are permitted to discourse with each other freely, and to hear, or be told what each of their fellows had been asked and answered, to agree in one story, especially if the Jury may not ask what questions they shall think fit for the satisfaction of their own Consciences; but that they shall be so far under the correction and censure of the Judges, as to have the questions which they put, called by them trifles, impertinent, and unfit for the Witnesses to speak to; yet if they be examined apart, with that due care of sifting out all the Circumstances which the Law requires, where every Man of the Jury is at full liberty to enquire into any thing for his clearer Information, and that with what deliberation they think fit, and all this be done with that Secrecy which the Law commands; it will be almost impossible for a Man to suffer under a false Accusation.

Nor has the Law been less careful for the Reputation of the Subjects of *England*, than for their Lives and Estates, and this seems to be one reason why in criminal Cases, a Man shall not be brought to an open legal Tryal by a Petit Jury, till the Grand Jury have first found the Bill: The Law having entrusted the Grand Inquest in a special manner with their good names; they are therefore not only to enquire whether the fact that is laid, was done by the party accused, but into the circumstances thereof too, whether it were done Traiterously, Feloniously, or Maliciously, &c. according to the manner charged; which Circumstances are not barely matter of form, but do constitute the



the very essence of the Crime; and lastly into the Credit of the Witnesses, and that of the party accused, and unless they find both the Fact proved upon him, and strong presumptions of such aggravating circumstances attending it, as the Law requires in the specification of such Crime, and likewise are satisfied in the credibility of the Witnesses; they ought not to expose the Subject to an open Trial in the face of the County, to a certain loss of his Reputation, and hazard of his Life and Estate. Moreover should this practice of publick Examination prevail, and the Jurors Oath of Secrecy continue, how partial and unequal a thing would it be to declare that to all the World, which will blast a Man's good name, and religiously conceal what they may know tending to his Justification: To examine Witnesses (perhaps suborned) certainly prepared, and have Evidence dressed up with all the advantages that Lawyers will can give it, of the foulest Crimes a Man can be guilty of, and this given before some thousands against him, and yet for the same Court to swear those, whom the Law makes Judges in the Case, not to reveal one word of those reasons, which have satisfied their Consciences of his Innocence. What is this, but an Artifice of slandering men (it may be) of the most unspotted Conversation, and of abusing Authority, not so much to find Men guilty, as to make them infamous? After this Ignominy is fixed, what Judgment can the Auditors (and from them the World) make; but of high probability of guilt in the party accused, and Perjury in the Jury.

This course, if it should be continued, must needs be of most dangerous consequence to all sorts of Men; it will both subject every one without relief to be defamed, and fright the best and most conscientious Men, from serving on Grand Juries, which is a most necessary part of their duty. Now since there is in our Government (as in every one that is well constituted there ought to be) great liberty of Accusation, that no Man may be encouraged to do ill through hopes of impunity, if by this means a Method be opened, for the blasting the most innocent Man's honour, and deterring the most honest from being his Judges, what remains, but that every Man's Reputation, which is most dear unto such as are good, is held precariously, and it will be in the power of great Men to pervert the Laws, and take away whose Life and Estate they please, or at least to fasten imputations of the most detested Crimes upon any, whom, for secret reasons they have a mind to defame. The consequences of which scandal, as they are very mischievous to every Man, so in a Trading Country in a more especial manner, to all who live by any vocation of that kind.

The greatest part of Trade is driven upon credit, most Men of any considerable employment, dealing for much more than they are truly worth, and every Man's credit depends as well upon his behaviour to the Government he lives under, as upon his private honesty in his transactions between Man and Man: so that the suspicion only of his being obnoxious to the Government is enough to set all his Creditors upon his back, and put a stop to all his Affairs, perhaps to his utter ruine. What expedition and violence will they all use to recover their debts, when he shall be publicly charged with such Crimes as forfeit Life and Estate? Though there should not be one word of the Accusation true, yet they knowing the Charge and the seeming proofs in the Court, and the Consequences of it, and not being acquainted with the truth, as it appears to the Jury, self interest will make his Creditors to draw in their effects, which is no more than a new contrivance, under colour of Law, of undoing honest Men.

If to prevent any of these mischiefs the Jury should discover their fellows and their own Counsel, as the Court by publick Examination doth, it would not only be a wilful breach of their Oath, but a betraying of the trust which the Law has reposed in them, for the security of the Subject: For to subject the reasons of their Verdicts upon Bills to the censure of the Judges, were to divest themselves of the Power which the Law has given them, for most important Considerations, without account or controul, and to interest those in it, whom the Law has not in this case trusted, and so by degrees, the course of Justice in one of the most material parts may be changed, and a fundamental security of our Liberty and Property insensibly lost. On the other hand, if for fear of being unworthily reproached as *Ignoramus* Jury-Men, obstinate fellows, that obstruct Justice, and disserve the King, the Grand Jury shall suffer the Judges, or the King's Counsel to prevail with them to indorse *Billa vera*, when their Consciences are not satisfied in the truth of the Accusation, they act directly against their Oaths, oppress the innocent whom they ought to protect; as far as in them lies, subject their Country, themselves, and posterity to Arbitrary Powers, pervert the Administration of Justice, and overthrow the Government, which is instituted for the obtaining of it, and subverts by it.

This seems to be the greatest Treason, that can be committed against the whole Kingdom, and threatens ruine unto every Man in private in it. None can be safe against

authorized Malice, and notwithstanding the care of our Ancestors, Rapine, Murther, and the worst of Crimes may be advanced by the formality of Verdicts, if Grand Juries be overawed, or not suffered to enquire into the Truth, to the satisfaction of their Consciences. Every Man whilst he lives innocently, doth, under God, place his hopes of security in the Law, which can give no protection, if its due course be so interrupted, that frauds cannot be discovered. Witnesses may as well favour Offenders, as give false testimony against the guiltless, and if they, by hearing what each other saith, are put into a way of concealing their villainous designs, there can be no legal Revenge of the crimes already committed. Others by their impunity will be encouraged to do the like: And every quiet minded Person will be equally exposed unto private injuries, and such as may be done unto him, under the colour of Law. No man can promise unto himself any security for his Life or Goods, and they who do not suffer the utmost violences in their own persons, may do it in their Children, Friends, and nearest Relations, if he be deprived of the remedies that the Law ordains, and forced to depend upon the Will of a Judge, who may be (and perhaps we may say) are too often corrupted, or swayed by their own Passions, Interests, or the impulse of such as are greater than they. This mischief is aggravated by a commonly received Opinion, that whosoever speaks against an accused person is the King's Witness, and the worst of men, in their worst designs, do usually shelter themselves under that name, whereas he only is the King's Witness, who speaks the truth, whether it be for or against him that is accused. As the Power of the King's the Power of the Law, he can have no other intention than that of the Law, which is to have Justice impartially administered, and as he is the Father of his People, he cannot but incline ever to the gentlest side, unless it be possible for a Father to delight in the destruction, or desire to enrich himself by the confiscation of his Childrens Estates. If the most wicked Princes have had different thoughts, that have been obliged to dissemble them. We know of none worse than Nero, but he was so far from acknowledging, that he desired any Man's condemnation, that he looked upon the necessity of signing Warrants for the Execution of \* Malefactors, as a burthen, and rather wished he had not learnt to write, than to be obliged to do it. They who by spreading such barbarous errors, would create unto the King, an interest different from that of his People which he is to preserve, whilst they pretend to serve him in destroying of them, they deprive him of his honour and dignity; Justice is done in all places, in the name of the chief Magistrate, it being presumed, that he doth embrace every one of his Subjects with equal tenderness, until the guilty are by legal proofs discriminated from the Innocent, and amongst us the King's name may be used in civil cases, as well as criminal: But it is as impossible for him rightly to desire I should be condemned for killing a Man whom I have not killed, or a Treason that I have not committed, as that my Land should be unjustly taken from me by a judgment in his Bench, or I should be condemned to pay a debt that I do not owe.

\*Sne. Vir. Ner.  
*Utinam nesci-  
rem litteras.*

In both Cases we sue unto him for Justice, and demand it as our right. We are all concerned in it, publickly, and privately, and the King, as well as all the Officers of Justice, are by their several Oaths, obliged in their respective capacities to perform it. They are bound to give their assistance to find out Offenders, and the King's Attorney is by his Oath to prosecute them, if he be required; and he is not only the King's servant in such cases, but the Nations; or rather, cannot otherwise serve the King, than by seeing Justice done in the Nation. Whensoever any Man receives an injury in his Person, Wife, Children, Friends, or Goods, the King is injured, in as much as he is by his Office to prevent such mischief, and ought to be concerned in the Welfare of every one of his Subjects; but the parties to whom the injuries are done, are the immediate sufferers, and the prosecution is principally made, that they may be repared or revenged, and other innocent persons secured by the punishment of Offenders, in which the King can be no otherwise concerned, than as he is to see his Office faithfully performed, and his People protected. The King's suit therefore is in the behalf of his People, yet the Law leaves unto every man a Liberty, in case of Treasons, Murthers, Rapes, Robberies, &c. to sue in the King's name, and crave his aid, or by way of appeal in his own. The same Law looks upon Felons, or Traitors as publick Enemies, and by authorizing every one to pursue or apprehend them, teacheth us, that every man, in his place, ought to do it. The same Act whereby one or a few are injured, threatneth all, and every Man's private interest so concurs with that of the publick, that all depends upon the exact preservation of the Method prescribed by the Law, for the impartial inquisition after suspected Offenders, and most tender care of preserving such as are innocent. As this cannot possibly be effected without secret and separate examinations, the forbidding them is no less, than to change the

the Course, which is enjoyed by Law, confirmed by custom, and grounded upon Reason and Justice.

If on the other side any man believe, that such as in the King's name prosecute suspected Delinquents, ought only to try how they may bring them to be condemned, he may be pleased to consider, that all such persons ought, according unto Law, to produce no Witness whom they do not think to be true: No Evidence which they do not believe good, nor can conceal any thing that may justify the accused. No trick or Artifice can be lawfully used to deceive a Grand Jury, or induce them to find or reject a Bill, otherwise than as they are led by their own Consciences. All Lawyers were anciently sworn to put no deceit upon the Courts for their Clients sake, and there are Statutes still in force to punish them, if they do it, but there is an eternal obligation upon such as are of Counsel against persons accused of Crimes, not to use such Arts as may bring the Innocent to be condemned, and thereby pervert that which is not called the Judgment of Man, but of God, because Man renders it in the stead, and by the Commandment of God; such practices exalt the Jurisdiction of Tribunals, but infect and pollute them with that Innocent Blood, which will be their overthrow: And least of all, can it be called a Service to the King, since none could ever stand against the cry of it. This is necessarily implied in the Attorney General's Oath, to serve the King in his Kingly Office, wherein the Law presumes he can do no wrong: But the greatest of all wrongs, and that which hath been most destructive unto Thrones, is by Fraud to circumvent and destroy the Innocent: This is to turn a Legal King into a *Nimrod*, a Hunter of Men: This is not to act the part of a Father or a Shepherd, who is ready to lay down his Life for his Sheep, but such as the Psalmist complains of, who eat up the People as if they eat Bread: *Jezebel* did perhaps applaud her own Wit, and think she had done a great Service to the King, by finding out Men of *Belial*, Judges; and Witnesses to bring *Naboth* to be stoned; but that unregarded Blood was a Canker, or the Plague of Leprosie in his Throne and Family, which could not be cured but by its overthrow and extinction. But if the Attorney General cannot serve the King by abusing Juries, and subverting the Innocent, he can as little gain an advantage to himself by falsifying his Oath, by the true meaning whereof he is to prosecute Justice Impartially, and the Eternal Divine Law would annul any Oath or Promise that he should have taken to the contrary, even though his Office had obliged him unto it.

The like Obligation lies upon Jurors not to suffer themselves to be deluded, or persuaded, that the Judges, King's Council, or any others can dispense with that Oath, or any part of it, which they have taken before God unto the whole Nation; nor to think that they can swerve from the Rules set by the Law without a damnable breach of it. The power of relating, or dissolving Conscientious Obligations, acknowledged in the Pope, makes a great part of the *Roman* Superstition; and that grand Impostor could never corrupt Kingdoms and Nations to their destruction, and the Establishment of his Tyranny, until he had brought them to believe he could dispense with Oaths, taken by Kings unto their Subjects, and by Subjects to their Kings; nor impose so extravagant an Errour upon either, until he had persuaded them he was in the place of God. It is hard to say how the Judges or King's Council can have the same Power, unless it be upon the same Title; but we may be sure they may as well dispense with the whole Oath as any part of it, and can have no pretence unto either, unless they have the Keys of Heaven and Hell in their keeping: It is in vain to say, the King as any other man may remit the Oath taken unto and for himself; He is not a party for himself, but in the behalf of his People, and cannot dispose of their Conceraments without their Consent, which is given only in Parliament.

The King's Council ought to remember, they are in criminal Cases of Council unto every man in the Kingdom; It is no ways referred unto the Direction of the Judges, or unto them, whether that secrecy enjoyed by Law, be profitable unto the King or Kingdom; They must take the Law as it is, and render Obedience unto it, until it be altered by the Power that made it. To this end the Judges by Acts of Parliament, viz. 18 Ed. 3. cap. 8. and 20 Ed. 3. cap. 1. are sworn to serve the People, *Ye shall serve our Lord the King and his People in the Office of Justice, &c. Ye shall deny to no man common Right by the King's Letters, nor no other mans, nor for no other cause; and in default thereof in any point, they are to forfeit their Bodies, Lands, and Goods.* This proves them to be the Peoples Servants as well as the Kings.

Further by the express words of the Commissions of Oyer and Terminer, they are required to assist every man that suffers injury, and make diligent inquisition after all manner of falsehoods, deceits, offences, and wrongs done to any man, and thereupon to do Justice according to the Law: so that in the whole proceedings in order unto Tryal, and in the Tryals them-



themselves, the Thing principally intended, which several persons are severally in their capacities obliged to pursue, is, the discovery of Truth: The Witnesses are to depose *the Truth, the whole Truth, and Nothing but the Truth*: Thereupon the Council for the King are to prosecute: The Grand Jury to present: and the Petit Jury to try: There are several Offices, but all to the same End; 'Tis not the Prisoner, but the Crime that is to be pursued; This primarily, the Offender but by consequence; and therefore such Courses must be taken, as may discover that, and not such as may ensnare him: When the Offence is found, the impartial Letter of the Law gives the Doom; and the Judges have no share in it, but the pronouncing of it: Till then the Judges are only to preside, and take Care, that every man else, who is employed in this necessary Affair, do his duty according to Law. So that upon result of the whole transaction impartial Justice may be done, either to the Acquittal or condemnation of the Prisoner.

Hereby it is manifest why the Judges are obliged by Oath, *To Serve the People as well as the King*: And by Commission, *To Serve every One that Suffers Injuries*. As they are to see that Right be done to the King, and His injur'd Subjects in discovering of the Delinquent; So they are to be of Council with the Prisoner, whom the Law supposeth may be ignorant as well as innocent; and therefore has provided, that the Court shall be of Council for him, and as well inform him of what Legal advantages the Law allows him, as to resolve any point of Law when he shall propose it to them; And it seems to be upon the presumption of this steady impartiality in the Judges, (thus obliged by all that is held Sacred before God and man to be unbiassed) that the Prisoner hath no Council; for if the Court faithfully perform their duty, the Accused can have no wrong, or hardship, and therefore needs no Adviser.

Now suppose a man perfectly innocent, and in some measure knowing in the Law, should be accused of Treason or Felony; If the Judges shall deny unto the Grand Jury the liberty of examining any Witnesses, except in open Court, where nothing shall be offered that may help to clear the Prisoner, but every Thing aggravated, that gives colour for the Accusation; such Persons only produced, as the King's Council, or the Prosecutors shall think fit to call, of whose Credit also the Jury must not inquire, but shall be controll'd and brow-beaten in asking Questions, of such unknown Witnesses, for their own Satisfaction, if they have any Tendency to discover the Infamy of these Witnesses, or the Falshood of their Testimony; How can Innocence secure any Man from being arraigned?

And if the Oath of the Judges should be as much forgotten in the further Proceedings upon the Trial, where in Cases of Treason the Prisoner shall have all the King's Council (commonly not the most unlearned) prepared with studied Speeches, and Arguments, to make him black and odious, and to Strain all his words, and to alledge them for Instances of his guilt: If then all his private Papers, and Notes to help his Memory in his Plea, and Defence, shall be taken from him by the Gaoler, or the Court, and given to his Prosecutors; And all Advice and Assistance from Councils, or Friends, and his nearest Relations shall be denied him, and none suffered by word or writing to inform him of the indifferency, or honesty, or the partiality or malice of the Pannels returned (whom the Law allows him to challenge or refuse, either peremptorily, or for good Reasons offered;) should he be thus deprived of all the good provisions of the Law for his safety, To what Frauds, Perjuries, and Subornations is not he, and every man Exposed, who may be accused? What Deceits may there not be put upon Juries? and what Probability is there of finding Security in Innocence? What an admirable Execution would this be of their Commission, *To make diligent Inquisition after all manner of Falshoods, Deceits, Wrongs and Frauds, and thereupon to do Justice according to Law*? When at the same Time, if so Managed, a Method would be introduced of ruining and destroying any Man in the form of Justice. Such practices would be the highest dishonour to the King imaginable, whose name is used, and so far Misrepresent the Kingly Office, as to make that appear, to have been Erected to vex and destroy the People, which was intended, and ordained to help and preserve them.

The Law so far abhors such proceedings, that it intends, that every Man should be strictly bound, to be exactly just in their several Employments, relating to the Execution of Justice. The Serjeant, of the King's Council (Sir George Jefferys, among the rest) who prosecute in the King's name, and are consulted in the forming Bills of Indictment, and advise about the Witnesses and their Testimonies against the Accused; These (if they would remember it) when they are made Serjeants, take an Oath (Cokes 2d. Institutes, Pag. 214.) *as well and truly to serve the People* (whereof the party accused is one) *as the King himself, and to minister the King's matters duly and truly after the course of the Law to their Cunning*; Not to use their Cunning and Craft to hide the Truth, and destroy the accused if they can.

They

They are also obliged by the Statute of *Westm. 1. Cap. 29.* To put no manner of Deceit or Collusion upon the King's Court, nor secretly to consent to any such Tricks as may abuse or beguile the Court, or the party, be it in Causes Civil or Criminal: And it is ordained, that if any of them be convicted of such practices, he shall be imprisoned for a year, and never be heard to plead again in any Court; and if the Mischievous consequence of their Treacheries be great, they are Subject to further and greater punishments. Our Antient Law Book called the *Mirror of Justice, Cap. 2. Sect. 4.* says, *That every Serjeant Pleader is chargeable by his Oath, not to maintain or defend any Wrong or Falshood to his Knowledge, but shall leave his Client when he shall perceive the wrong intended by him: Also that he shall not move or proffer any false Testimony, nor consent to any Lyes, Deceits, or Corruptions whatsoever in his pleadings.*

As a further Security unto the People against all Attempts upon their Laws, Exemplary Justice hath been done, in several Ages, upon such Judges, and Justiciaries, as through Corruption, Submission unto unjust Commands, or any other Sinister consideration, have dared to swerve from them: The punishments of these wicked Men remain upon Record, as Monuments of their Infamy to be a Terror unto all that shall succeed them. In the Reign of the Saxons the most notable Example was given by King *Alfred*, who caus'd above forty Judges to be hanged in a Short Space, for several wrongs done to the People, as is related in the *Mirror of Justice*: Some of them suffered for imposing on Juries, and forcing them to give Verdicts according to their will; And one, as it seems, had taken the Confidence to examine a Jury, that he might find which of them would Submit to his Will, and setting aside him who would not, condemned a Man upon the Verdict of Eleven.

Since the Coming of the *Normans*, our Parliaments have not been less severe against such Judges, as have suffered the course of Justice to be perverted, or the Rights and Liberties of the People to be invaded: In the time of *Edward the 1st Anno 1289.* The Parliament finding, That all the Judges (except Two) had swerv'd from their duty, condemned them to several punishments according unto their Crimes, As Banishment, Perpetual Imprisonment, or the loss of all their Estates, &c. Their Particular Offences are specified in a Speech made by the Arch-Bishop of *Canterbury* in Parliament. They had broken *Magna Charta*; Incited the King against his People; Violated the Laws under pretence of expounding them; and impudently presumed to prefer their own Councils to the King, before the Advices of Parliament, as appears by the speech, &c. Hercunto annex.

Ex Chron. An.  
no. 10. Ed. 1.  
ad finem.

The like was done in *Ed. the 2d. Time*, when *Hugh De Spencer* was charged for having prevailed with the King to break his Oath to the People, in doing Things against the Law by his own Authority.

In *Edward the 3d. Time* Judge *Thorpe* was hang'd for having in the like manner brought the King to break his Oath: And the happy Reign of that great King affords many Instances of the like nature, amongst which, the punishment of *Sir Henry Green* and *Sir William Skipwith*, deserve to be observed and put into an Equal Rank with those of his brave and victorious Grand-father.

Dan. History.  
p. 260, 261.

In *Richard the Second's Time*, Eleven of the Judges, forgetting the dreadful Punishments of their Predecessors, subscrib'd malicious Indictments against Law, and gave false Interpretations of our Ancient Laws to the King, thereby to bring many of his most Eminent, and worthiest Subjects, to suffer as Traytors at his Will: Subjected the Authority, and very Being of Parliaments to his absolute pleasure, And made him believe, that all the Laws lay in his own breast: Hereupon sentence of death passed upon them; and tho upon their repentance, and confessing, they had been swayed by fear, and threatnings from the King, Two only were Executed, all the others were for ever banished, as unworthy to enjoy the benefit of that Law, which they had so perfidiously, and basely betrayed.

See all the English Histories  
of *Walsingham*,  
*Fabian*, *Speed*,  
&c. in the 11  
and 12 years  
of *Richard II.*

It were an Endless work to recite all the Examples of this kind that are found in our Histories and Records; but that of *Empson* and *Dudley* must not be omitted: They had craftily contriv'd to abolish Grand Juries and to draw the Lives and Estates of the People into question, without Indictments by them; and by surprise, and other wicked practices, they gained an Act of Parliament for their countenance: Hereupon false Accusations followed without number; Oppression and Injustice broke forth like a Flood, And to gain the King's Favour, they fill'd his Coffers: The Indictments against them mentioned in *Anderson's Reports*, Pa. 156, 157, are worth reading; whereby they are charged with Treason, for Subverting the Laws, and Customs of the Land, in their proceedings without Grand Juries, and procuring the murmuring and hatred of the People against the King, to the great danger of him, and the Kingdom. Nothing could satisfy the Kingdom, tho' the King was dead, whom they had flattered, and served, but such Justice

done

done upon them, and many of their Instruments, and Officers, as may for ever make the Ears of Judges to tingle.

And it is not to be forgotten; that the Judges in Queen *Eliz.* time, in the Case of *R. Cavendish* in *Anderson's Reports*, P. 152, and 155. were (as they told the Queen, and her Councillors) by the punishment of former Judges, especially of *Empson* and *Dudley*, deterred from obeying her illegal Commands: The Queen had sent several Letters under her Signet; Great Men pressed them to obey her Patent under the Great Seal, and the Reasons of their disobedience being required; they answered, *That the Queen her self, and the Judges also had taken an Oath to keep the Laws; And if they should obey her Commands, the Laws would not warrant them, and they should therein break their Oath, to the Offence of God, and their Country, and the Common-wealth wherein they were born; And, say they, if we had no fear of God, yet the Examples, and Punishments of others before us, who did offend the Laws, do remember, and recall us from the like Offences.*

Whosoever being in the like places may design, or be put upon the like practices, will do well to consider these Examples, and not to think, that he, who obliquely Endeavours to render Grand Juries useless, is less Criminal, than he, that would absolutely abolish them: That which doth not act according to its Institution, is, as if it were not in being: And whoever doth without prejudice consider this matter, will see that it is not less pernicious to deny Juries the use of those Methods of discovering Truth which the Law hath appointed, and so by degrees turn them into a meer matter of form, than openly, and avowedly to destroy them. Surely such a gradual Method of destroying our Native Right is the most dangerous in its consequence. The safety, which our Fore-fathers for many hundred of years, enjoyed under this part of the Law especially, and have transmitted to us, is so apparent to the meanest Capacity, that whoever shall go about to take it away, or give it up, is like to meet with the fate of *Ishmael*, to have every man's hand against him, because he is against every Man. Artifices of this Kind, will ruin us more silently, and so with less opposition, and yet as certainly, as the other more moved oppression: This only is the difference, that one way we should be slaves immediately, and the other insensibly; But with this further disadvantage too, that our slavery should be the more unavoidable, and the faster rivited upon us, because it would be under colour of Law, which Practice in Time would obtain.

Few men at first see the danger of little changes in Fundamentals, and those, who design them, usually act with so much craft, as besides the giving specious Reasons, they take great Care; that the true Reason shall not appear: Every design therefore of changing the Constitution ought to be most warily observed, and timely opposed; Nor is it only the Interest of the People, that such Fundamentals should be duly guarded, for whose benefit they were at first so carefully layed, and whom the Judges are sworn to serve; but of the King too, for whose sake those pretend to act, who would subvert them.

Our Kings as well as Judges are sworn to maintain the Laws; They have themselves in several Statutes required the Judges, at their peril, to administer Equal Justice to every Man, notwithstanding any Letters, or Commands, &c. even from themselves to the contrary; And when any failure hath been, the greatest, and most powerful of them have ever been the readiest to give Redress. It appears by the Preface to the Statutes of 20th *Ed.* 3. that the Judicial proceedings had been perverted, that Letters, Writs and Commands had been sent from the King, and great Men to the Justices, and that Persons belonging to the Court of the King, the Queen, the Prince of Wales had maintained, and abetted Quarrels, &c. whereby the Laws had been violated, and many wrongs done: But the King was so far from justifying his own Letters, or those illegal practices; That the preamble of those Statutes saith, they were made for the relief of the People in their sufferings by them. That brave King in the height of his glory, and vigor of his Age, chose rather to confess his Error, than to continue in it, as is evident by his own words. *Edward, by the Grace of God, &c. Because by divers Complaints made unto us, we have perceived that the Law of the Land, which we by our Oath are bound to maintain, is the less well kept, and Execution of the same disturbed many times by maintenances and procurements, as well in the Court as the Country, We greatly moved of Conscience in this matter, and for this Cause, desiring as much for the pleasure of God, and ease and quietness of our Subjects, as to save our Conscience, and for to save and keep our said Oath, by the Assent, &c. Enact. That Judges shall do Justice, notwithstanding Writs, Letters or Commands from himself, &c. and that none of the King's House, or belonging to the King, Queen, or Prince of Wales do maintain Quarrels, &c.*

King *James* in his Speech to the Judges in the Star-chamber, Anno. 1616. told them; *That he had after many years resolved to renew his Oath, made at his Coronation, concerning Justice*



Justice, and the promise therein contained for maintaining the Law of the Land. And in the next page save one says, *I was sworn to maintain the Law of the Land, and therefore had been perjured, if I had broken it; God is my Judge I never intended it.* And His Majesty, that now is, hath made frequent Declarations, and Protestations of his being far from all thoughts of designing an Arbitrary Government, and that the Nation might be confident, he would rule by Law.

Now if after all this, any Officer of the Kings should pretend Instructions from his Master, to demand so material an alteration of proceedings, in the highest Cases against Law, as are above mentioned, And the Court (who are required to slight and reject the most solemn Commands under the Great Seal, if contrary to Law) should upon a verbal Intimation allow of such a Demand, and so break in upon this Bulwark of our Liberties, which the Law has erected; Might it not give too just an occasion to suspect, that all the legal securities of our Lives, and Properties are unable to protect us? And may not such fears rob the King of his greatest Treasure and Strength, the Peoples hearts, when they dare not rely upon him in his Kingly Office, and trust, for safety and protection by the Laws? Our English History affords many instances of those that have pretended to serve our King in this manner, by undermining the Peoples Right and Liberties, whose practices have sometimes proved of fatal consequence to the Kings themselves, but more frequently ended in their own destruction.

But after all imagining it could be made out, that this Method of private Examinations by a Grand Jury (which from what has been said before, hath appeared to be so extremely necessary for the publick good, and to every private man's security) were inconvenient or mischievous, and therefore fit to be changed; yet being so Essential a part of the Common Law, it is no otherwise alterable than by Parliament. We find by Presidents, that the bare forms of Indictments could not be reformed by the Judges: The words *Depopulatores agrorum, Insidiator es viarum, Vi & Armis, Baculis, Caltellis, Arcubus & sagittis*, could not be left out, but by advice of the Kingdom in Parliament. A Writ issued in the time of K. Ed. 3. giving power to hear and determine Offences, and all the Justices resolved (*Cok. 4. Inst. Pag. 164.*) *That they could not lawfully act, having their Authority by Writ, where they ought to have had it by Commission; Tho' it was in the form and words, that the Legal Commission ought to be.* John Knivett Chief Justice, by Advice of all the Judges, resolved that the said Writ was *Contra Legem*: And where divers Indictments were before them found against T. S. the same, and albat was done by colour of that Writ, was Damned.

If in such seeming little Things as these, and many others, that may be instanced, the Wisdom of the Nation hath not thought fit to intrust the Judges, but reserved the Consideration of them to the Legislative Power; It cannot be imagined, that they should subject to the discretion and pleasure of the Judges, those important Points, in the Established course of the administering Justice, whereupon depends the safety of all the Subjects Lives, and Fortunes. If Judges will take upon themselves to alter the constant practice, they must either alter the Oath of the Grand Jury, or continue it; If they should alter it, so as to make it sail with any such new Method, and thus in appearance charitably provide, that the Grand Jury should not take a mock Oath, or forswear themselves; they then make an incroachment upon the Authority of Parliaments, who only can make new, or change old Legal Oaths, and all the proceedings thereupon would be void.

If they should continue constantly to impose the same Oath, as well when they have notice from the King, that the Jury shall not be bound to keep his Secrets, and their own, as when they have none; they must assume to make the same form of Law to be of force, and no force; and the same words to bind the Conscience, as they will have them; whereby they would prophane the Natural Religion of an Oath, and bring a foul scandal upon Christianity, by trifling worse than Heathens in that sacred matter; and whilst the Judges find themselves under the necessity of administering the Oath unto Grand Juries, and not suffer them to observe it according unto their Consciences, they would confess, the illegality of their own Proceedings, and can never be able to repair the Breaches, by pretending a tacite Implication, if the King will, but must unavoidably fall under that approved Maxim of our Law, *Maledicta est Interpretatio qua corruptis Textum*; It is a Cursed Interpretation that dissolves the Text.

There are Two Vulgar Errors concerning the duty of Grand Juries, which if not removed, will in time destroy all the benefit we can expect from that Constitution, by turning them into a meer matter of form, which were designed for so great Ends. Many have of late, thought, and affirmed it for Law, that the Grand Jury is neither to make so strict inquiry into matters before them, nor to look for so clear Evidence of the Crime, as the Petit Jury; but that of their Presentments, being to pass a second Examination, they ought to Indict upon a superficial Inquiry, and bare probabilities.

Whereas

Whereas should either of these Opinions be admitted, the prejudice to the Subject would be equal to the total laying aside Grand Juries; there being in truth no difference between arraigning without any Presentment from them at all, and their Presenting upon slight grounds.

For the first, that Grand Juries ought not to make so strict Inquiry, it were to be wisht, that we might know how it comes to pass, that an Oath should be obligatory unto a Petit Jury, and not unto the Grand: Or in what Points they may lawfully and with good Conscience omit that Exactness, whether in relation to the Witnesses, and their credibility: Or the fact and all its circumstances: Or the Testimony and its weight: Or lastly, in reference to the Prisoner, and Probability of his guilt: And withal upon what grounds of Law, or Reason their Opinion is founded. On the contrary, he that will consider either the Oath they take, or the Commission, where their duty is described, will find in all Points, that there lies an equal Obligation upon them, and the Petit Juries.

*They swear diligently to inquire, and true Presentment make, &c. and to Present the Truth, the whole Truth, and nothing but the Truth, &c. And in the Commission of Oyer and Terminer their duty (with that of the Commissioners) is thus described: Ad Inquirendum per Sacramentum Proborum & legalium hominum, &c. per quos rei veritas melius sciri poterit, de quibuscumq; proditiionibus, &c. confederationibus, Falsis allegantiis, me non Accessoriis Eorundem, &c. per quoscumq; & qualitercumq; habit. fact. perpetrat. sive Commiss. Et per quos, Et per quem, cui, vel quibus quando, qualiter, vel quomodo, & de aliis articulis & Circumstantiis premis. & eorum aliquod. vel aliqua qualitercumq; concernen. To inquire by the Oath of honest and lawful Men, &c. By whom the Truth of the matter may be best known, of all manner of Treasons, &c. Confederacies, false Testimonies, &c. As also the Accessories, &c. by whomsoever, or howsoever, done, perpetrated, or committed, by whom, or to whom, how, in what way, or in what manner. And of other Articles and Circumstances premised, and of any other Thing or Things howsoever concerning the same: Now for any Man, after this to maintain, that Grand Juries are not to inquire, or not carefully, is as much as in plain terms to say they are bound to act contrary to the Commission, and their Oath; And to affirm that they can discharge their duty according to the Obligations of Law and Conscience which they lie under, without a strict Inquiry into particulars, is to affirm, that the End can be obtained without the means necessary unto it.*

The truth is, that Grand Juries have both a larger field for their Inquiry, and are in many respects better capacitated to make a strict one, than the Petit Juries: These last are confined as to the Person and the Crime, specified in the Indictment; But they are at large obliged to search into the whole matter, that any ways concerns every Case before them, and all the Offences contained in it, all the Criminal Circumstances whatsoever, and into every thing, howsoever concerning the same. They are bound to enquire whether their Information of Suspected Treasons or Felonies, brought by Accusers, be made by Conspiracy, or Subornation; who are the Conspirators, or false Witnesses: By whom abetted, or maintained; Against whom, and how many the Conspiracy is layed; when, and how, and in what course it was to have been prosecuted.

But none of these most intricate matters (which need the most strict and diligent Inquiries) can come under the Cognizance of the Petit Jury; They can only examine so much as relates to the Credit of those Witnesses brought to prove the Charge against the Parties Indicted; wherein also they have neither Power, nor convenient time to send for Persons, or Papers, if they think them needful, nor to resolve any doubts of the Lawfulness and Credibility of the Testimonies.

Yet further, if the Crimes objected are manifest, 'tis then the Grand Juries duty to inquire after all the Persons any ways concerned in them, and the several kinds of Offences, whereof every one ought jointly, or separately to be indicted as they shall discover them to have been Principals, or Accessories, Parties or privy thereunto, or to have comforted, or knowingly relieved either the Traitors or Felons, or conceal'd the offences of others: But the Inquisition into all these matters, which require all possible strictness in searching, as being of the highest importance unto the publick Justice and safety, is wholly out of the Power and Trust of the Petit Juries. The guilt, or innocence of the Parties put upon their Trials, and the Evidence thereof given, is the only Objects of their Inquiries. It is not their work, nor within their trust to search into all the guilt or crimes of the Parties whom they try; They are bound to move within the Circle of the Indictment made by the Grand Jury, who are to appoint and specify the offences for which the Accused shall be tried by the Petit Jury.

When a Prosecutor suggests that any Man is criminal, and ought to be indicted, it be-  
long;

longs to the Grand Jury to hear all the proof he can offer, and to use all other means they can, whereby they may come to understand the truth of the suggestion, and every thing or circumstance that may concern it; Then they are carefully to examine the nature of the Facts, according unto the Rules of the Com. Law, or the express words of the Statutes, whereby offences are distinguished, and punishments allotted unto each of them: 'Tis true, that upon hearing the Party, or his Witnesses, the Petit Jury may acquit or judge the Facts in the Indictment to be less heinous, or malicious than they were presented by the Grand Jury, but cannot aggravate them; which being considered, it will easily appear by the intent and Nature of the Powers given unto Grand Juries, that they are by their Oaths obliged, and their instruction to keep all injustice from entering the first gates of Courts of Judicature, and to secure the innocent not only from punishment, but from all disgrace, vexation, expence, or danger.

To understand our Law clearly herein, the Jurors must first know the lawful grounds whereupon they may and ought to indict, and then what truly and justly ought to be taken for the ground of an Indictment. The principal and most certain is the Jurors personal knowledge, by their own eyes or ears of the Crimes whereof they indict: Or so many pregnant concurring Circumstances, as fully convince them of the guilt of the Accused: When these are wanting, the Depositions of Witnesses and their Authority are their best Guides in finding Indictments. When such Testimonies make the charge manifest and clear to the Jury, they are called Evidence, because they make the guilt of Criminals evident, and are like the light that discovers what was not seen before: All Witnesses for that reason are usually called the Evidence, taking their name from what they ought to be: Yet Witnesses may swear directly and positively to an Accusation, and be no evidence of its truth to the Jury; sometimes such remarks may be made upon the Witnesses, as well in relation to their Reputation and Lives, as to the Matter, Manner, and Circumstances of their Depositions, that from thence the falshood may appear, or be strongly suspected: It is therefore necessary to know what they mean by a probable Cause or Evidence, who say that our Law requires no more for an Indictment.

*Probable*, is a Logical Term, relating to such propositions, as have an appearance, but no certainty of Truth, shewing rather what is not, than what is the matter of Syllogisms: These may be allowed in Rhetorick, which worketh upon passions, and makes use of such Colours as are fit to move them, whether true or false; but not in Logick, whose Object is Truth; as it principally intends to obviate the Errours that may arise from the credit given unto appearances, by distinguishing the uncertain from the certain, *veri simile à vero*, it cannot admit of such Propositions, as may be false as well as true, it being as impossible to draw a certain conclusion from uncertain premises, as to raise a solid Building upon a tottering or sinking foundation. This ought principally to be considered in Courts of Justice, which are not erected to bring men into Condemnation, but to find who deserves to be condemned, and those Rules are to be followed by them, which are least liable to deception. For this Reason the Council of the *Areopagites*, and some others of the best Judicatures that have been in the World, utterly rejected the use of Rhetorick, looking upon the Art of persuading by uncertain probabilities, as little differing from that of deceiving, and directly contrary to their ends, who by the knowledge of truth desired to be led into the doing of Justice: But if the Art that made use of these probabilities was banished from uncorrupted Tribunals, as a hindrance unto the discovery of Truth, they that would ground Verdicts totally upon them, declare an open neglect of it; and as it is said, that *uno absurdo dato mille sequuntur*, if Juries were to be guided by probabilities, the next question would be concerning the more or less probable, or what degree of probability is required to persuade them to find a Bill: This being impossible to fix, the whole Proceedings would be brought to depend upon the Fancies of Men, and as nothing is so slight but it may move them, there is no security that innocent Persons may not be brought every day into danger and trouble. By this means certain mischiefs will be done, whilst it is by their own confession uncertain whether they are any ways deserved by such as suffer them to the utter overthrow of all Justice.

If the word *Probable* be taken in a common, rather than a nice Logical sense, it signifies no more than likely, or rather likely than unlikely: When a matter is found to be so, the Wager is not even, there is odds upon one side, and this may be a very good ground for betting in a Tennis Court, or at a Horse-race, but he that would make the Administration of Justice to depend upon such Points, seems to put a very small value upon the fortunes, liberties and reputations of men, and to forget that those who sit in Courts of Justice, have no other business there than to preserve them.

This continues in force, though in a Dialogue between a Barrister and a Grand Jury Man, published under the Title of the Grand Jury Man's Oath and Office, it be said p. 8. and 9. That their work is no more than to present Offences fit for a Tryal, and for that



*Reason, give in only a Verisimilar or probable Charge; and others have affirmed, that a false Evidence will warrant a Grand Juries Indictment, than a Petit Juries Verdict. For nothing can be more opposite to the justice of our Laws, than such Opinions: All Laws in doubtful Cases direct a suspension of Judgment, or a sentence in favour of the Accused person: But if this were hearkened unto, Grand Juries should upon their Oaths affirm, they judge him Criminal, when the Evidence is upon such uncertain grounds that they cannot but doubt, whether he is so or not.*

It cannot be hereupon said, that no Evidence is so clear and full, but it may be false, and give the Jury occasion of doubts, so as all Criminals must escape, if no Indictment ought to be found unless the proofs are absolutely certain, for it is confess'd, that such Cases are not capable of an infallible, Mathematical demonstration: but a Jury that Examines all the Witnesses, that are likely to give any light concerning the business in question, and all Circumstances relating to the fact before them, with the Lives and Credit of those that testify it, and of the Person accused, may and do often find that which in their Consciences, doth fully perswade them, that the accused Person is guilty; This is as much as the Law, or their Oath doth require, and such as find Bills, after having made such a Scrutiny, are blameless before God, and Man, if through the fragility inseparable from humane nature, they should be led into Error? For they do not swear, that the Bill is true, but that they in their Consciences believe that it is so; and if they write *Ignoramus* upon the Bill, it is not thereby declared to be false, nor the Person accused acquitted, but the matter is suspended, until it can be more clearly proved, as in doubtful Cases, it always ought to be.

Our Ancestors took great Care that suspicious, and probable Causes should not bring any Man's Life and Estate into danger; For that reason, it was ordain'd by the Stat 37 Ed 3. Cap 18. *That such as made suggestions to the King, should find surety to pursue and incur the same pain, that the other should have had if he were attainted, in case their suggestion be not found evil, and that then process of the Law should be made against the Accused.*

This manner of Proceeding, hath its root on eternal, and universal Reason: The Law given by God unto his People, *Deut. 19.* allotted the same Punishment unto a false witness, as a person convicted. The best disciplined Nations of the world, learnt this from the Hebrews, and made it their Rule, in the administration of Justice. The *Grecians* generally observed it, and the *Romans*, according to their *Lex Talionis*, did not only punish death with death, but the intention of committing Murder by false Accusations, with the same severity, as if it had been effected by any other means. This Law was inviolably observed as long as any thing of regularity or equity remained amongst them; and when through the wickedness of some of the Emperours, or their favourites, it came to be overthrown, all Justice perished with it. A Crew of false Informers brake out to the destruction of the best men, and never ceas'd until they had ruined all the most eminent and antient Families: Circumvented the Persons, that by their Reputation, Wealth, Birth or Virtue deserved to be distinguished from the common sort of People, and brought desolation, upon that victorious City. *Tacitus*

*Tac. Ann. 3.* complains of this, as the cause of all the mischiefs suffered in his Time, and Country.

By their means the most Savage Cruelties, were committed under the name of Law, which thereby became a greater Plague, than formerly Crimes had been: No remedy could be found, when those *Delatores*, whom he calls, *gens hominum Publico exitio repetrum*, & *pœnis quidem nunquam satis coercitum*, were invited by impunity, or reward, and the Miserable People groaned under this calamity, until those instruments of iniquity, were by better Princes, put to the most cruel, tho well deserved deaths.

*Tac. Ann. 4.*

The like hath been seen in many places, and the domestick quiet, which is now enjoyed in the Principal parts of *Europe*, proceeds chiefly from this, that every man knows the same Punishment is appointed for a false Accusation, and proved Crime.

It is hardly seven years since Monsieur *Courboyer*, a man of quality in *Brittany*, suborned two of the King of *France* his Guards, to swear Treasonable Designs against *La Motte*, a Norman Gentleman; the matter being brought to Monsieur *Colbert*, he caus'd the Accused Person and the Witnesses to be secured, until the fraud was discovered by one of them, whereupon he was pardoned; *La Motte* released: *Courboyer* beheaded, and the other false Witness hanged by the Sentence of the Parliament of *Paris*. Though this Law seems to be grounded upon such foundation, as forbids us to question the equity of it, our Ancestors (for Reasons best known unto themselves) thought fit to moderate its Severity, by the Statute of 38 Ed. 3. Cap. 9. yet then it was enacted, and the Law continues in force unto this day; *That whosoever made complaints to the King, and could not prove them against the Defendant, by the process of Law limited in former Statutes, which is first by a Grand Jury, he should be imprisoned until he had made good to the Party of his damages, and of the slander he suffered by such occasion, and after shall make fine and ransom to the King, which is for the common damage, that the King and his*

his People suffer by such a false accusation and defamation of any Subject: And in the 42 Ed. 3. Cap. 3. To eschew the Mischiefs and damage done by false Accusers. 'Tis enacted, That no man be put to answer such suggestions without presentment before the Justices, i. e. by the Grand Jury: It cannot surely be imagined, that the suggestions made to the King and his Council, had no probability in them, Or that there was no colour, cause, or Reason for the King to put the party to answer the Accusation, but the grievance and complaint was, that the People suffered certain damage, and vexation upon untrue, and at best, uncertain accusations, and that therein the Law was perverted by the King and his Councils taking upon them, to judge of the certainty, or Truth of them, which of right belonged to the Grand Jury only, upon whose Judgment and Integrity our Law doth wholly rely, for the indemnity of the Innocent, and the punishment of all such as do unjustly molest them.

Our Laws have not thought fit so absolutely to depend upon the Oaths of Witnesses, as to allow, that upon Two, or Ten mens swearing positively Treason or Felony against any Man, before the Justices of Peace, or all the Judges, or before the King and his Council, that the party accused, be he either Peer of the Realm, or Commoner, should without further Inquiry be thereupon arraigned, and put upon his Tryal for his Life: Yet none can doubt but there is something of probability in such depositions nevertheless the Law Refers those matters unto Grand Juries, and no man can be brought to Tryal, until upon such strict Inquiries, (as is before said) the Indictment be found. The Law is so strict in these Inquiries, that tho the Crime be never so notorious, nay if Treason should be confessed in Writing under Hand and Seal, before Justices of Peace, Secretaries of State, or the King and Council, yet before the party can be arraigned for it, the Grand Jury must inquire, and be satisfied, whether such a Confession be clear and certain: Whether there was no collusion therein: Or the party induced to such confession by promise of pardon: Or that some pretended partakers in the Crime may be defamed, or destroyed thereby; they must inquire, whether the Confession was not extorted by fear, threatnings, or force, and whether the party was truly *Compos mentis*, of sound Mind, and Reason at that Time.

The Stat. 5 Eliz. Cap. 1. declares the antient Common Law concerning the Trust and Duty of Juries, and Enacts that none should be indicted for assisting, aiding, comforting, or deterring Criminals in the Treasons therein made and declared, unless he, or they be thereof lawfully accused by such good and sufficient Testimony or Proof, as by the Jury, by whom he shall be indicted, shall be thought good, lawful, and sufficient to prove him, or them guilty of the said Offences. Herein is declared, the only True Reason of Indictments, i. e. the Grand Juries Judgment that they have such Testimonies as they esteem sufficient to prove the party indicted guilty of the Crimes whereof he is accused, and whatsoever the Indictment doth contain, they are to present no more, or other Crimes, than are proved to their satisfaction, as upon Oath they declare it is, when they present it. This exactness is not only required in the Substance of Crimes, but in the Circumstances, and any doubtfulness, or uncertainty in them makes the Indictment, and all proceedings upon it by the Petit Jury, to be insufficient, and void, and holden for none, as appears by the following Cases.

In *Town's Case* in the Lord Cook's Reports, Lib. 4. Fol. 40. An Indictment for Murder was declared void for its incertainty, because the Jury had not layed certainty, in what part of the body the mortal wound was given, saying only, that 'twas about his breast, the words were *Unam Plagam mortalem circitur pectus*. In like manner in *Vaux Case* Cooks Rep. Lib. 4. Fol. 44. he being indicted for poisoning *Ridley*, the Jury had not plainly and expressly averred that *Ridley* drank the Poison, tho' other words imply'd it, and thereupon the Indictment was judged insufficient, for (saith the Book) the matter of an Indictment ought to be full, express, and certain, and shall not be maintained by argument or implication, for that the Indictment is found by the Oath of the Neighbourhood. In the 2d part of *Rolls Reports* p. 263. *Smith and Malls Case* the Indictment was quashed for incertainty, because the Jury had averred that *Smith* was either a Servant or Deputy, *Smith existens servus sive deputatus*, are the words: It was doubtless probably enough proved to the Jury, that he was either a Deputy, or Servant; but because the Indictment did not absolutely and certainly aver his condition either of Servant, or Deputy, it was declared void: If there be any defect of certainty in the Grand Juries Verdict, no Proof or Evidence to the Petit Jury can supply it, so it was judged in *Wrote and Wigs Case* Coke 4. Rep. Fol. 45, 46, 47. It was layed, that *Wrote* was killed at *Shipperton*, but did not aver that *Shipperton* was within the *Verge*, tho in truth it was, and no Averment or Oath to the Petit Jury, could supply that small faileur of certainty to support the Indictment; and the reason is rendred in these words, viz. The Indictment being *Verdictum id est dictum Veritatis* a Verdict. That is, a saying of Truth and matter of Record, ought to contain the whole Truth which is requisite by the Law, for when

it doth not appear, 'tis the same, as if it were not, and every material part of the Indictment ought to be found upon the Oath of the Indicters, and cannot be supplied by the Averment of the Party. The Grand Juries Verdict is the foundation of all judicial proceeding against Capital Offenders (as the King's suit) if that fail in any point of certainty, both convictions and acquittals thereupon are utterly void, and the proceedings against both may begin again, as if they had never been tried, as it appears in the Case last cited, Fol. 47.

Now as the Law requires from the Grand Jury particular, certain, and precise affirmations of Truth, so it expects that they should look for the like, and accept of no other from such as bring accusations to them. For no Man can certainly affirm that which is uncertainly delivered unto him, or which he doth not firmly believe. The Witnesses that they receive for good, are to depose only absolute certainties about the Facts committed, That is, what they have seen, or heard from the accused parties themselves, not what others have told them; They are not to be suffered to make probable arguments, and infer from thence the guilt of the accused; Their depositions ought to be positive, plain, direct, and full: The Crime is to be sworn without any doubtfulness or obscurity; Not in words qualified, and limited to belief, conceptions, or apprehensions. This absolute certainty required in the deposition of the Witnesses, is one principal ground of the Juries most rational assurance of the Truth of their Verdict: The credit also of the Witnesses ought to be free from all blemish, that good and Conscientious Men may rationally rely upon them, in matters of so great moment, as the blood of a Man. It must also be certainly evident, that all the matters which they depose, are consistent with each other, and accompanied with such Circumstances, as in their Judgment render it credible: All just Indictments must be built upon these moral assurances, which the wisdom of all Nations hath devised as the best, and only way of deciding Controversies; Neither can a Grand Jury Man, who swears to present nothing but the Truth, be satisfied with less.

'Tis scarce credible that any learned in our Laws, should tell a Grand Jury that a far less Evidence will warrant their Indictment (being but an Accusation) than the Petit Jury ought to have for their Verdict. Both of them do in like manner plainly and positively affirm upon their Oaths, the Truth of the Accusation; Their Verdicts are indeed one and the same in substance, and sence, tho' not in words. There is no real difference between affirming in writing, that an Indictment of Treason is true, as is the practice of Grand Juries, and saying that the party tried thereupon is guilty of the Treason whereof he is indicted, as is the course of Petit Juries: They are both upon their Oaths; they are equally obligatory unto both, the one therefore must expect the same proof for their satisfaction as the other, and as clear Evidence must be required for an Indictment, as for a Verdict: It is unreasonable to think that a slighter proof should satisfy the Consciences of the greater Jury, than is requisite to convince the less, and uncharitable to imagine, that those should not be as sensible as the others of the Sacred security they have given by Oath, to do nothing in their Offices but according to truth.

If there ought to be any difference in the Proceedings of the Grand and Petit Juries, the greater exactness and diligence seems to be required in the Grand: For as the same work of finding out the truth in order to the doing of Justice is allotted unto both, the greatest part of the burthen ought to lye upon them that have the best opportunities of performing it. The invalidity, weakness, or defects of the Proofs may be equally evident to either of them: But if there be deceit in stifling true Testimonies, or malice in suborning wicked Persons, to bring in such as are false, the Grand Jury may most easily, nay probably, can only discover it. They are not strained in time; they may freely examine in private, without interruption from the Council, or Court, such Witnesses as are presented unto them, or they shall think fit to call; they may joynly or severally enquire of their Friends or Acquaintance after the Lives and Reputations of the Witnesses, or the accused Persons, and all circumstances relating unto the matter in question, and consult together under the Seal of Secrecy: On the other side the Petty Jury being charged with the Prisoner, acts in open Court under the awe of the Judges, is subject to be disturb'd, or interrupted by Council; deprived of all opportunity of consulting one another until the Evidence be summ'd up, and not suffered to eat or drink until they bring in a Verdict; so it is almost impossible for them thus limited to discover such evil practices as may be used for, or against the Prisoner, by Subornation or Perjury to pervert Justice; if therefore the Grand Jury be not permitted to perform this part of their duty, it is hard to imagine how it should be done at all: And it is much more inconceivable how they can satisfy their Consciences, if they so neglect, as to find a Bill upon an imperfect Evidence, in the absence of the Prisoner,



soner, in expectation that it will be supplied at the Bar : It concerns them therefore to remember, that if they proceed upon such uncertainties, they will certainly give incurable wounds into their Neighbours Reputations, in order unto the destruction of their Persons.

Whatever ground this Doctrine of Indicting upon slight proofs may have got in our days, it is (as we have seen) both against Law and Reason, and contrary to the practice of former times. My Lord Coke in his *Comment on Westm. 2d.* tells us, *That in those days (and as yet it ought to be) Indictments taken in the Absence of the Party were formed upon plain and direct Proofs, and not upon Probabilities and Inferences.* Herein we see, that the practice of our Fore-Fathers, and the opinion of this great and judicious Lawyer, were directly against this new Doctrine, and some that have carefully looked backward, observed, that there are very few Examples of men acquitted by Petit Juries, because Grand Juries of old were so wary in canvassing every thing narrowly, and so sensible of their Duty, in proceeding according unto truth upon satisfactory Evidence, that few or none were brought unto Trial till their guilt seemed evident.

It is therefore a great mistake to think that the second Juries were instituted for the hearing of fuller proofs, that was not their work, but to give an opportunity to the accused persons to answer for themselves, and make their defence, which cannot be thought to strengthen the Evidence, unless they be supposed to play booty against their own Lives. By way of answer the Prisoner may avoid the Charge: He is permitted to take exceptions; he may demur or plead to the Indictments in points of Law: Herein the Judges ought to assist him, and appoint Counsel if he desire it: He may shew that the Indictors, i. e. the Grand Jury, or some of them, are not lawful men, or not lawfully returned by the Sheriffs; embracery or practice may be proved in the packing of the Jury: A Conspiracy or Subornation may be discovered; falsehood may be found out in the Witnesses, by questions about some circumstances that none could have asked, or imagined, except the party accused: And besides doing right to the Indicted, in these and many other things, 'tis the Peoples due to have all the Evidence first taken in private, to be afterwards made publick at the Trial, that the Kingdom may be satisfied in the equal administration of Justice, and that the Judgments against Criminals may be of greater terror, and more useful to preserve the common peace.

If any object that this Doctrine would introduce double Trials for every offence, and all the delays that accompany them, it may be answered, *That Nulla unquam de morte hominis cunctatio Longa est.* Ju. Sat. No delay is to be esteemed long, when the life of a man is in question. The punishment of an Offender that is a little deferred, may be compensated by its severity, but blood rashly spilt cannot be gathered up, and a Land polluted by it, is hardly cleansed. Wise and good men in matters of this nature have ever proceeded with extream caution, whilst the swift of foot are in the Scripture represented under an ill Character, and have been often found in their haste to draw more guilt upon themselves, than what they pretended to chastize in others. To avoid this mischief, in many well polished Kingdoms, several Courts of Justice are instituted, who take cognizance of the same facts, but so subordinate unto one another, that in matters of life, limb, liberty, or other important cases, there is a right of appeal from the inferiour, before which it is first brought, to the Superiour; where this is wanting, means have been found to give opportunity unto the Judges to reflect upon their own sentences, that if any thing had been done rashly, or through mistake, it might be corrected, man, even in his best estate, seeming to have need of some such helps. *Tiberius Caesar* was never accused of too much lenity, but when he heard that *Luturcius Priscus* had been accused of Treason before the Senate, condemned, and immediately put to death, *Tam precipites deprecatus est penas.* He desired that such sudden punishment might for the future be forborn, and a Law was thereupon made, *That no Decree of the Senate should in less than ten days be transmitted to the Treasury,* before which time it could not be executed, *Tac. An. 3.* Matters of this nature concerning every man in England, it is not to be doubted but our Ancestors consider'd them, and our Constitutions, neither admitting of subordinate Judicatures, from whence appeals may be made, nor giving opportunities unto Juries to re-examine their Verdicts, after they were given, they could not find a way more suitable unto the rules of Wisdom, Justice, and Mercy, than to appoint two Juries with equal care, according unto different methods, the one in private, and at leisure, the other publickly in the presence of the party, and more speedy to pass upon every man, so as none can be condemned, unless he be thought guilty by them both, and it cannot be imagined that so little time, as is usually spent in Trials at the Bar, before a Petit Jury, should be allowed unto one that pleads for his life, or unto them who are to be satisfied in their Consciences, unless it were presumed that the Grand Jury had so well examined, prepared, and digested the matter, that the other may proceed more succinctly, without danger of error.

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Therefore

Therefore let the Grand Juries faithfully perform their high Trust, and neither be cheated nor frightened from their Duty: Let them pursue the good old way, since no Innovation can be brought in, that will not turn to the prejudice of the accused Persons, and themselves: Let them not be deluded with frivolous Arguments, so as to invalidate a considerable part of our Law, and render themselves insignificant ciphers, in expectation that Petit Juries will repair the faults they commit, since that would be no less than to slight one of the best fences that the Law provides for our Lives and Liberties, and very much to weaken the other.

When a Grand Jury finds a Bill against any person, they do all that in them lies to take away his Life, if the crime be capital, and it is ridiculous for them to pretend they rely upon the virtue of the Petit Jury, if they shew none themselves. They cannot reasonably hope the other should be more tender of the Prisoners concerns, more exact in doing Justice, or more careful in examining the Credit of the Witnesses, when they have not only neglected their duty of searching into it, but added strength unto their Testimony by finding a Bill upon it.

They cannot possibly be exempted from the blame of consenting (at the least) unto the mischiefs that may ensue, unless they use all the honest care that the Law allows to prevent them; nor consequently avoid the stain of the blood that may be shed by their omission, since it could not have been, if they had well performed their part before they found the Indictment, whereby the party is exposed to so many disadvantages, that it is hard for the clearest Innocence to defend it self against them.

But, when the one and the other Jury act as they ought, with courage, diligence, and indifference, we shall have just reason, with the wise Lord Chancellour *Fortescue*, to celebrate that Law that instituted them. To congratulate with our Country men the happiness we enjoy, whilst our Lives lie not at the mercy of unknown Witnesses, hired, poor, uncertain, whose Conversation or Malice we are strangers to, but Neighbours of Substance, of honest report, brought into Court by an honourable sworn Officer; men who know the Witnesses, and their Credit, and are to hear them, and judge of them: That was a means for disclosing of Truth, and from whom nothing can be hid, which can fall within the compass of Humane Knowledge.

*Fort. de Laud.*  
*Leg. Ang. cap.*  
*26.*

*Ex chronico ab*  
*Anno 1272. 1*  
*Ed. 1. ad An.*  
*1317. 10 Ed.*  
*2. Miss.*

*An. Dom. 2289.*  
*Anno Regni Re-*  
*gis Ed. 1. 18.*

*Certe scimus*  
*quam plurimos*  
*eorum qui iusti-*  
*cii sub Ed. 1.*  
*præsumptos viros*  
*quidem mari-*  
*mos & ex eo in*  
*illo Jurisconsultos*  
*celeberrimos*  
*repetundarum*  
*& quod lites*  
*suas fecerant a-*  
*liisq; præter*  
*Ministros foren-*  
*ses aliquot ma-*  
*rito damnatos*  
*multos exitia*  
*& carcere pun-*  
*itos. Ex Sel-*  
*dein ad Fletam*  
*dissertatio p.*  
*548.*

Postquam Rex per spatium trium Annorum & amplius in partibus transmarinis remansisset, & de partibus Vasconie & Francie in Angliam rediisset, valde anxius & conturbatus fuit per quotidianum clamorem tam Clericorum quam Laicorum petentium ab eo congruum remedium apponi versus Justiciarios, & alios Ministros suos, de multimodis oppressionibus & gravaminibus contra bonas leges & consuetudines regni illis factis; super quo Dominus Edwardus Rex, per regale scriptum Vicecomitibus Anglie præcipit quod in omnibus Comitatibus, Civitatibus, & Villis mercatoribus, publice proclamari facerent quod omnes qui sese sentient gravari venirent apud Westm. ad proximum Parliamentum, & ibi querimonias suas monstrarent, ubi tam majores quam minores opportunum remedium & celerem justitiam recuperent, sicut Rex vinculo juramenti die Coronationis sue astrictus fuit: Ac jam adest magnus dies & judicarius Justiciorum & aliorum Ministrorum Concilii Regis, quem nulla tergiversatione, nullo munere, nulla arte vel ingenio placitandi valent eludi. Coadunatis itaque Clero & Populo, & in magno Palatio Westmonasterii consessis, Archiepiscopus Cantuariensis (vir magnæ pietatis & columna quasi sanctæ Ecclesiæ & Regni) surrexit in medio, & ab alto du-

After that the King for the space of three Years and more, had remained beyond Sea, and returned out of Gascoign and France into England, he was much vexed and disturbed by the continual clamour both of the Clergy and Laity, desiring to be relieved against the Justices, and other His Majesties Ministers, of several oppressions and injuries done unto them, contrary to the good Laws and Customs of the Realm; whereupon King Edward, by his Royal Letters to the several Sheriffs of England, commanded, that in all Counties, Cities, and Market Towns, a Proclamation should be made, that all who found themselves aggrieved should repair to Westminster at the next Parliament, and there shew their Grievances, where as well the great as the less should receive fit Remedies and speedy Justice, according as the King was obliged by the Bond of his Coronation Oath: And now that great day was come, that day of judging, even the Justices and the other Ministers of the King's Council, which by no Calculation or Reward, no Argument or Art of Pleading they could elude or avoid: The Clergy therefore and the People being gathered together, and seated in the great Palace of Westminster, the Archbishop of Canterbury (a man of eminent Piety, and as it were a Pillar of the holy Church and the King-

cer-

cens suspiria, Noverit universitas vestra (ait) quod convocati sumus de magnis & arduis negotiis regni (heu nimis perturbati & his diebus enormiter mutilati) unanimiter, fideliter, & efficiatur simul cum Domino Rege ad tractandum & ordinandum, audivistis etiam universi querimonias gravissimas super intolerabilibus injuriis & oppressionibus & quotidianis desolationibus, tam sanctæ Ecclesiæ quam Reg. factis per hoc iniquum Concilium Domini Regis contra magnas Chartas tot, toties & multoties emptas & redemptas, concessas & confirmatas per tot & talia Juramenta Domini Regis nunc, & Dominorum Henrici & Johannis, ac per terribiles fulminationes Excommunicationis sententiarum in transgressores communium libertatum Angliæ, quæ in chartis prædictis continentur, corroboratas, & cum spes præconcepta de libertatibus illis observandis fideliter ab omnibus putaretur stabilis & indubitata, Rex concilii malorum Ministrorum præventus & seductus eisdem infringendo contravenire non formidavit, credens deceptivo pro numere absolvi à transgressione quod esset manifestum regni exterminium.

Aliud etiam nos omnes angit intrinsecus quod Justitiiarii subtiliter ex malitia sua ac per diversa argumenta avaritiæ, & intolerabilis superbiæ Regem contra fideles suos multipliciter provocaverunt & incitaverunt, sanoque & salubri consilio Ligeorum Angliæ contrarium reddiderunt, consilia sua vana impudenter præponere & affirmare non erubuerunt seu formidaverunt, ac si plus habiles essent ad consulendam & conservandam Rempublicam quam tota Universitas Regni in unum collecta. Ita de illis possit vere dici, viri qui turbaverunt terram & concusserunt Regnum sub fuco gravitatis totum populum graviter oppresserunt, prætextuque solummodo exponendi veteres Leges, novas (non dicam Leges) sed malas consuetudines introduxerunt & vomuerunt, ita quod per ignorantiam nonnullorum ac per partialitatem aliorum qui vel per munera vel timorem aliorum potentum innodati fuerunt, nulla fuit stabilitas Legum nec alicui de populo justitiam dignabantur exhibere, opera eorum sunt opera nequitie, & opus iniquitatis in manibus, pedes eorum ad malum currunt & festinant, ac viam recti nesciunt. Quid dicam? non est judicium in gressibus suis.

Quam plurimi liberi homines terræ nostræ fideles Domini Regis quasi viles ultime servi conditionis diversis Carceribus sine culpa commiserunt, ibidem carcerandi quorum nonnulli in carcere fame, mæore & vinculorum pondere defecerunt, extorserunt pro Arbitrio insuper infinitam

dom) rising from his Seat, and fetching a profound sigh, spoke in this manner: Let this Assembly know that we are called together concerning the great and weighty Affairs of the Kingdom (too much alas of late disturbed, and still out of Order) unanimously, faithfully, and effectually with our Lord the King to treat and ordain: Ye have all heard the grievous complaints of the most intollerable injuries and oppressions of the daily desolations committed both on Church and State, by this corrupt Council of our Lord the King, contrary to our great Charters, so many and so often, purchased and redeemed, granted and confirmed to us by the several Oaths of our Lord the King that now is, and of our Lords King Henry and John, and corroborated by the dreadful thundrings of the sentence of Excommunication against the Invaders of our common Liberties of England in our said Charters contained; and when we had conceived firm and undoubted hopes, that these our Liberties would have been faithfully preserved by all men, the King circumvented, and seduced by the Counsels of evil Ministers, hath not been afraid to violate it by infringing them, falsely believing that he could for Rewards be absolved from that offence, which would be the manifest destruction of the Kingdom.

There is another thing also that grieves our Spirits, that the Justices subtilly and maliciously, by diverse Arguments of covetousness and intollerable pride, have the King against his faithful Subjects sundry ways incited and provoked, counselling him contrary to the good and wholesome Advice of all the Liegemen of England, and have not blushed nor been afraid, impudently to assert and prefer their own foolish Councils, as if they were more fit to consult and preserve the Commonweal, than all the Estates of the Kingdom together assembled, so that it may be truly said of them, they are the men that troubled the Land, and disturb'd the Nation under a false colour of gravity, have the whole People grievously oppress'd, and under pretence of expounding the antient Laws, have introduced new (I will not say Laws, but) evil Customs, so that through the Ignorance of some, and partiality of others, who for reward or fear of great Men have been engaged, there was no certainty of Law, and they scorned to administer Justice to the people, their deeds are deeds of wickedness, and the work of Iniquity is in their hand, their feet make haste to evil, and the way of truth have they not known; what shall I say? there is no Judgment in their paths.

How many Free-men of this Land, faithful Subjects of our Lord the King, have like the meanest Slaves of lowest condition, without any fault been cast into Prison, where some of them by hunger, grief, or the burthen of their chains have expired, they have also extorted at their pleasure infinite sums of pecuniam

Vide Fleta  
Cap. 17. p. 18,  
19. Authoritas  
& Officium ordinarii Concilii  
Regis.



pecuniam ab eodem pro redemptione sua, crumenas aliorum ut suas impregnarent tam à divitibus quam pauperibus exhausserunt, ratione quorum incurriverunt odium inexorabile & formidabile imprecationes omnium quasi tale incommunicabile privilegium per *Chartam detestabilem* de non obstante obtinuerunt & perquiviserunt ut à lege divina humanaque quasi ad libitum immunes essent.

Gravamen insuper solitum adhuc sive aliquo modo sævit, omnia sunt venalia si non quasi furtiva, pro dolor.

— Quid non mortalia pectora cogit

Auri sacra famés?

Ex ore meo contra vos O Impii tremebunda cœli decreta jam auditis. Agnitio vultuum vestrorum accusat vos, & peccatum vestrum quasi Sodoma prædicavistis nec abscondistis, væ animæ vestræ, væ qui condunt leges & scribes iniquitatem scripserunt, ut opprimerent in iudicio pauperes, & vim facerent causæ humilium populi, ut essent viduæ præda eorum, & pupillos diriperent, væ qui ædificant domum suam in iusticia & cœnacula sua non in iudicio, væ qui concupiverunt agros & violenter tulerunt & raperunt domos & oppræferunt virum & domum ejus imo virum & Hereditatem suam, væ Judices qui sicut Lupi vespere non relinquebant ossa in mane; Justus Judex adducit Consiliarios in stultum finem & Judices in stuporem, mox alta voce iustum iudicium terræ recipietis.

His auditis omnium aures tinniebant totaque Communitas ingemuerunt, dicentes heu nobis, heu, ubi est Angliæ toties empta, toties concessa, toties scripta, toties jurata Libertas?

Alii de Criminalibus sese à visibus populi subtrahentes in locis secretis cum amicis tacite latitaverunt, alios protulerunt in medium unde merito fere omnes ab officiis depositi & amoti, unus à terra exulatus alii perpetuis prisonis incarcerationati, alii que gravibus pecuniarum solutionibus iuste adjudicati fuerunt.

ham quos honoris ergo nominatos volui) iudicio Parliamenti vindicatum est in alios, atque alios carcere, exilio, fortunarumque omnium dispendio, in singulos multa gravissima & amissione officii. Spelman's Glossary, p. 1. co. 1. 416.

money for their ransom; the Coffers of some, that they might fill their own, as well from the rich as the poor, they have exhausted, by reason whereof they have contralled the irreconcilable hatred and dreadful imprecations of all men, as if they had purchas'd and obtain'd such an incommunicable privilege, by their detestable Charter of non Obstante, that they might at their own lust be free from all Laws both humane and divine.

Moreover there is another more, the ordinary grievance, which hitherto hath, and in some measure doth still rage among us: All things are expos'd to sale, if not as it were to plunder and theft. Alas! how great power hath the love of money in the breasts of Men? Hear therefore O ye wicked, from my mouth the dreadful decrees of Heaven; the desolation of your countenances accuseth you, and like the men of Sodom, ye have not hidden but proclaimed the sin; woe be to your souls, woe be to them that make Laws, and Writing, write injustice, that they may oppress the poor in Judgment, and injure the cause of the humble, that Widows may become their Prey, and that they might destroy the Orphan. Woe be to those that build their Houses in injustice, and their Tabernacles in Unrighteousness: Woe be to them that cover large possessions, that break open Houses and destroy the Man and his Inheritance; woe be to such Judges who are like Wolves in the Evening, and leave not a bone till the morning. The Righteous Judge will bring such Counsellors to a foolish end, and such Judges to confusion: ye shall all presently with a loud cry, receive the just sentence of the Lord.

At the hearing of these things all Ears tingled, and the whole Community lifted up their Voice, and mourned, saying, Alas, alas for us! what is become of that English Liberty which we have so often purchas'd, which by so many Concessions, so many Statutes, so many Oaths have been confirm'd to us.

Hereupon several of the Criminals withdrew into secret places, being conceal'd by their friends; some of them were brought forth into the midst of the People, and deservedly turn'd out of their Offices; some was banished the Land, and others were grievously Fined, or Condemned to perpetual Imprisonment.

This is confirm'd by Spelman, An. 1290. All the Justices of England, saith he, were An. 18. Ed. 1. apprehended for Corruption, except John Mettingham, and Elias Bleckingham, whom I name for their honour, and by Judgment of Parliament condemn'd, some to Imprisonment, others Banishment, or Confiscation of their Estates, and none escap'd without grievous Fines, and the loss of their Offices.

The Speech and Carriage of  
STEPHEN COLLEDGE,

Before the Castle at Oxford, Wednesday, Aug. 31. 1681. Taken exactly from his Mouth at the place of Execution.

Mr. High-Sheriff. **M**<sup>R</sup>. Colledge, It is desired, for satisfaction of the World, because you have profest your self a Protestant, that you would tell what Judgment you are of.

Dear People, dear Protestants, and dear Country-men,

**Colledge.** **I** Have been Accused and Convicted for Treason, the Laws Adjudge me to this Death, and I come hither willingly to submit to it. I pray God forgive all those persons that had any hand in it. I do declare to you, whatever has been said of me, that I was never a Papist, or ever that way inclined; they have done me wrong: I was ever a Protestant,

I was born a Protestant, I have lived so, and so by the Grace of God I will die, of the Church of England, according to the best Reformation of the Church from all Idolatry, from all Superstition, or any thing that is contrary to the Gospel of our blessed Lord and Saviour. I do declare, I was never in any Popish Service, Prayers, or Devotions, in my life, save one time about seventeen or eighteen years ago, as near as I remember, I was out of a curiosity one afternoon at St. James's Chappel, the Queen's Chappel at St. James's; except that one time, I never did hear any Popish Service, any thing of the Church of Rome, Mass or Prayers, or any thing else, private or publick.

I know you expect that I should say something as to what I die for. It has been charged upon me: when I was apprehended and brought before the Council, some of the Council, the Secretary, and my Lord Killingworth, and Mr. Seymour, they told me there was Treason sworn against me; truly they surprized me when they said so: for of all things in the World, I thought my self as free from that as any man. I asked them if any man living had the confidence to swear Treason against me? They said several, three or four as I remember. Then they told me, it was sworn against me, that I had a design to pull the King out of White-hall, and to serve him as his Father was served, or to that purpose, the Loggerhead his Father, or that kind of Language. I did deny it then, and do now deny it upon my Death. I never was in any manner of Plot in my days, neither one way nor another, never knew any such persons, nor ever had such Communication with any man hitherto. I know of no Plot in the World but the Popish Plot, and that every man may know as much as I. If I had had such a design as these men have sworn against me, to have seiz'd his Majesty either at London, or this place at Oxford; I take God to witness, as I'm a dying man, and upon the terms of my Salvation, I know not any one man upon the face of the Earth that would have stood by me; and how likely it was that I should do such a thing my self, let the whole World judge.

Dugdale swears, That I spoke Treason to him, treasonable words in the Coffee-house, and in the Barbers shop by the Angel, even he could not pretend to see me any where else; but it is false, and a very unlikely thing, that I should speak Treason to him. I must confess I was in his company at the Coffee-house and that Barbers shop, before I went out of Town, but there could be no Communication between us; for he was writing at one end of the Room and eating a piece of bread, and I lighted a Pipe of Tobacco at the other end, and took it, till Sir Tho. Player and Sir Rob. Clayton came to me, and we went to my Lord Lovelace's out of Town that night: so when they came we took horse and went out of Town with the rest.

For my part, I can't sum up my Witnesses. I was under most strange Circumstances as ever any man was; I was kept Prisoner so close in the Tower, that I could have no Conversation with any, though I was certain the Popish Lords had it every day there, but I could have none: I could not tell the Witnesses that were to swear against me; I could not tell what it was they swore against me, for I could have no Copy of the Indictment, nor no way possible to make any preparation to make my Defence, as I ought to have done, and might have done by Law, I had no liberty to do any thing, as I am a dying man.

And as to what Dugdale, Smith, Turberville, and Heyns swore against me, they did swear such Treason, that nothing but a mad man would ever have trusted any body with

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with, and least of all to Papists; every one of them that had been concerned with Plots and Treasons among their own party, and under the greatest Tyes and Obligations of Damnation, and to be Sainted if they kept it secret, and to be damned if they revealed it. If these men will not keep things secret for their own Party, how could I trust them? I take God to witness, and do freely acknowledge, I have sought my God with Tears several times, to inform me if so be I had with any word transgressed at any time. I knew not of any part of what they swore against me, till such time as I heard it sworn against me at the Bar. This is very hard, Gentlemen, but this is the Truth.

And there be a great many other strange Reports that I have heard since I have been a Prisoner, That I should be a means to convert the Countess of Rochester, by bringing one Thompson a Priest to her. Truly all that I was concerned in was, some fifteen or sixteen years ago I lodged at Col. Vernon's that married my Lady Brookes: The Family were Papists, the Brookes were Papists, and there was this Thompson; and I did suppose him a Priest in the House, though I never saw him at Popish Service or Worship, though I was there half a year; but coming afterwards to my Lord Rochester's about some business I had to do for him and several other persons of Quality, he sent for me one afternoon from the Parsonage in Adderbury to his House, and his Lady and he stood together: He sent to me and ask'd me if my Horse were at home: said he, I would have you carry this Letter to Mr. Thompson, if you are at leisure this afternoon: My Lord, I am at leisure to serve you. So I took a Letter from his hand, and his Lady's too, as I remember (he made an offer that way) sealed with his own Seal, and carried it to Thompson, and delivered it to him; and he told me that he would wait upon my Lord, for it was for some Lands my Lord did offer to raise Money for some occasions. This is the Truth of that Scandal.

It is said, that I had a Priest several years in my House, viz. Serjeant that came over from Holland to discover: About some ten years ago, that very same man came to me, but was a stranger to me, and he came to me by the name of Dr. Smith a Physician: and there was an Apothecary in the Old-baily, and a Linnen-draper within Ludgate, that came with him: they brought him thither and took a Chamber, and lay about half a year or three quarters, at times, by the name of Dr. Smith, and as a Physician. This is the Truth of that, and no otherwise. This is the Entertainment of Serjeant:

So the occasion of my coming to Oxford, I do say, was voluntary. The Parliament-men last Parliament at Westminster, and several Lords, dined together the day before they sat: the last Sessions of Parliament at Westminster they sent for me to the Sun-Tavern behind the Exchange; and when I came, the Duke of Monmouth and several Lords were together, and I believe above a hundred Parliament-men of the Commons. The Duke of Monmouth called me to him, and told me, he had heard a good Report of me, and that I was an honest man, and one that may be trusted; and they did not know but their Enemies the Papists might have some design to serve them as they did in King James's time, by Gun-powder, or any other ways: And the Duke with several Lords and Commons, did desire me to use my utmost skill in searching all places suspected by them; which I did perform, and from thence I had, as I think, the popular name of the Protestant Joyner, because they had intrusted me before any man in England to do that Office.

The same Haynes, one of them that swore against me, had discovered to me and several others, as to Macknamar and his Brother, and this Ivy, who are now all of another stamp, That the Parliament was to be destroyed at Oxford; and that there was a design to murder my Lord Shaftsbury by Fitzgerald and his Party; and that they did endeavour to bring Macknamar over to him, and said, Then it would be well with him; and they would not be long before they had Shaftsbury's life. And he made Depositions of this to Sir Geo. Treby, as I heard afterwards; for I was not with him when it was sworn. I wish the Commons of England as well as I wish my own heart; and I did not understand, but when I serv'd the Parliament, I serv'd his Majesty too; and let them be miserable that make the Difference between them; for my part I never did.

I came to Oxford with my Lord Howard, whom I look upon to be a very honest worthy Gentleman, my Lord Clare, my Lord Paget, and my Lord Huntingdon; and this Capt. Brown and Don Lewis were in my company, and came along with us as they were my Lord Howard's Friends. Brown I have known I believe two or three months, but Lewis I never saw before that day; they said they came with my Lord Howard. I take God to witness, I never had but one sixpence or any thing else, to carry on any design; and if it were to save my life now, I can't charge any man in the world with any design against the Government, as God is my witness, or against his Majesty, or any other person.

As for what Arms I had, and what Arms others had, they were for our own defence, in case the Papists should make any attempt upon us by way of Massacre, or any Invasion or Rebellion, that we should be ready to defend our selves. God is my witness this is all I know: If this be a Plot, this I was in; but in no other. But never knew of any numbers



numbers or times appointed for meeting; but we said one to another, that the Papists had a Design against the Protestants, when we did meet, as I was a man of general Conversation; and in case they should rise, we were ready: but then they should begin the Attempt upon us. This was my business, and is the business of every good Subject that loves the Laws of his Country and his King: For *England* can never hope to be happy under those Blood-thirsty men, whose Religion is Blood and Murder; which I do with all my Soul, and did ever since I knew what Religion was, abhor and detest, viz. the Church of *Rome*, as pernicious and destructive to humane Societies, and all Government.

I beseech God, that every Man of you may unite together as Protestants against this common Foe. *Gentlemen*, it is my sence, and I do in that believe I am as certainly murdered by the hands of the Papists as Sir *Edmundbury Godfrey* himself was, though the thing is not seen. These Witnesses certainly are mercenary men, and I beseech God Almighty to have mercy upon their Souls, and forgive them; and either by his Judgments or mercies reclaim them, that they shed no more innocent blood: There is not a man of them that I know of, that ever heard me say or do any bit of Treason in my life. This is (the first I mayn't say it is) but almost the twentieth Sham-Plot that they have endeavoured to put upon the Nation, to delude the People, and put off their own damnable Plot. This is not the first, but I think the sixteenth or seventeenth; I pray God that my blood may be the last. I pray God defend every man's blood, and all Protestants in *England*, from the hand of these bloody Papists, by whose means I die this Death; and if they shall go on in this nature, I hope the good God will open every mans eyes to see it before he feels it: And I beseech you, if you have any love for your King, your Country, and the Protestants, unite together, if you are Protestants. I pray God, those that deserve the name, let them be called how they will, either Dissenters, or Church of *England* men, that they may unite together like men, like Christians, against the common Foe, who will spare neither the one side nor the other, but beat you one against another like two Pitchers, the last that stands they will certainly destroy if they can. This is my sence, and God is my witness, I speak my Conscience. I do not know, Mr. *Sheriff*, whether there be any thing else I have to say, or no. We have a good God, and I beseech every man that hears me this day (for we live in a sinful Age, good People, and it behoveth every one of you, it cannot be long before all that look upon me in this condition, must lie down in the Dust, and God knows, must come into an eternal estate either for Mercy or Judgment) I beseech you in the name of God, he is a God of Mercy, and a God of Patience, and long suffering, that you would break off your Sins by Repentance, and serve a good God, who must be your Friend at last, or else you are lost to Eternity.

O Lord, how ungrateful wretches are we, that have a God of such infinite Mercy and goodness, that affords us our Life, our Health, and a thousand Mercies every day; and we like ungrateful People, not deserving the name of Men or Christians, live riotous lives, in Debauchery and Swearing, in Malice, and the Lord knows how many Evils. I beseech God that I may be this day a means in the hand of God to bring some of their Souls over to him. I beseech you remember what I say. Indeed I do not know, I have been so strangely used since I have been a Prisoner, what to say, being brought from one Affliction to another, that my Body is worn out, and my Memory and Intellects have failed me much, to what they were; I can't remember what I have to say more, but that the Lord Jesus Christ would bless my Country, and preserve it from Popery; and in mercy bless his Majesty: good God be merciful to him, make him an instrument in thy hands to defend his Protestant Subjects; Lord, in mercy defend him from his Enemies; good God bless this People; good Lord continue the Gospel of Jesus Christ, thy Gospel, in its purity, to us and our Posterity, as long as the Sun and Moon endureth. O Lord, save all that call upon thee, be merciful to all thy Servants, all thy People that put their trust in thee, good Lord deliver them from the hands of their Enemies: good Lord, let their Lives, and Bodies, and Souls, be all precious in thy sight. O merciful God, put a stop to these most wicked Conspiracies of thy Enemies, and the Nations Enemies, the Papists; let no more Protestant blood be shed but this of mine, I beseech thee, O my God. O Lord look upon me; O Lord bless me, O good God, receive me into thy blessed presence by Jesus Christ my alone Saviour and Redeemer, in whom alone I put my trust for Salvation: It is thee, O God, that I trust in, thou righteous Judge of Heaven and Earth. All Popery, all Pardons, all Popes and Priests, all Dispensations I disown, and will not go out of the World with a lye in my mouth. From the sincerity of my heart, I declare again, that what I've said to you, is the very Sentiments of my Soul, as God shall have mercy upon me, and to the best of my knowledge.

I desire the Prayers of you, good People, while I am here: and once more I beseech you to think upon Eternity, every one of you that hear me this day; the Lord turn your

your Hearts and Souls, if you have been wicked livers, if you do live wicked lives, the Lord in mercy convert you: and shew you your danger: for I as little thought to come to this, as any man that hears me this day, and I bless God, I have no more deserved it from the hands of men, than the Child that sucks at his Mothers breast, I bless my God for it. I do say, I have been a sinner against my God, and he hath learned me Grace ever since I have been a Prisoner. I bless my God for a Prison; I bless my God for Afflictions: I bless my God that ever I was restrain'd: for I never knew my self till he had taken me out of the World. Therefore you that have your liberties, time, and precious opportunities, be up, and be doing for God and for your Souls, every one of you.

*To his Son.* Where is my dear Child?

Mr. Sheriff. *I made one request to you, you gave me an imperfect Answer; you said you were of the best Reformed Church in the world, the Church of England, according to the best Reformation in the world. I desire you for the satisfaction of the world, to declare what Church that is, whether Presbyterian, or Independent, or the Church of England, or what.*

Colledge. Good Mr. Sheriff, for your satisfaction, for 20 years and above I was under the Presbyterian Ministry, till his Majesties Restauration; then I was conformable to the Church of England, when that was restored, and so continued till such time as I saw Persecution upon the Dissenting People, and undue things done in their Meeting-places; then I went among them to know what kind of people those were, and I take God to witness, since that time I have used their Meetings, viz. the presbyterians, others very seldom, and the Church of England. I did hear Dr. Tillotson not above three weeks before I was taken. I heard the Church of England as frequently as I heard the Dissenters, and never had any prejudice, God is my witness, against either, but always heartily desired that they might unite, and be Lovers and Friends, and I had no prejudice against any man; and truly I am afraid that it is not for the Nations good, that there should be such Heart-burnings between them: That some of the Church of England will preach, that the Presbyterians are worse than the Papists. God doth know that what I say, I speak freely from my heart, I have found many among them truly serving God, and so I have of all the rest that have come into my company; Men without any manner of Design but to serve God, serve his Majesty, and keep their Liberties and Properties; men that I am certain are not of vicious lives: I found no Damners or those kind of People amongst them, or at least few of them.

*To his Son, Kissing him several times with great passion.* Dear Child Farewell, the Lord have mercy upon thee. Good people, let me have your Prayers to God Almighty to receive my Soul.

*And then he Prayed, and as soon as he had done, spake as followeth.*

The Lord have mercy upon my Enemies, and I beseech you, good People, whoever you are, and the whole World that I have offended to forgive me; whomever I have offended in word or deed, I ask every man's pardon, and I forgive the World with all my soul, all the Injuries I have received; and I beseech God Almighty forgive those poor Wretches who have cast away their souls, or at least endangered them, to ruine this body of mine: I beseech God that they may have a sight of their Sins, and that they may find mercy at his hands: Let my blood speak the justice of my Cause.

I have done: And God have mercy upon you all.

To Mr. Croftwait. Pray, Sir, my Service to Dr. Hall, and Dr. Reynall, and thank them for all their kindneses to me; I thank you, Sir, for your kindness: The Lord bless you all. Mr. Sheriff, God be with you: God be with you all, good People.

*The Executioner Ketch desired his pardon; and he said, I do forgive you. The Lord have mercy on my Soul.*

## The SPEECH of the Late Lord RUSSEL, to the SHERIFFS.

*Together with the PAPER deliver'd by him to them, at the place of Execution, on July 21. 1683.*

Mr. SHERIFF,

**I** Expected the Noise would be such, that I could not be very well heard: I was never fond of much speaking, much less now; Therefore I have set down in this Paper, all that I think fit to leave behind me. God knows how far I was always from Designs against the King's Person, or of altering the Government; and I still pray for the Preservation of both, and of the Protestant Religion.

I am told, that Captain Walcot has said some things concerning my knowledge of the Plot:

Plot: I know not whether the Report is true or not, I hope it is not: For to my knowledge, I never saw him, or spake with him in my whole Life; and in the Words of a dying Man, I profess I know of no Plot, either against the King's Life, or the Government. But I have now done with this World, and am going to a better. I forgive all the World, and I thank God I die in Charity with all Men; and I wish all sincere Protestants may love one another, and not make way for Popery by their Animosities.

*The PAPER deliver'd to the SHERIFFS.*

I Thank God, I find my self so compos'd and prepared for death, and my Thoughts so fixed on another World, that I hope in God I am now quite weaned from setting my heart on this. Yet I cannot forbear now, in setting down in Writing a fuller Account of my Condition, to be left behind me, than I'll venture to say at the place of Execution, in the noise and clutter that is like to be there. I bless God heartily for those many Blessings, which he in his infinite Mercy has bestowed upon me, through the whole course of my Life: That I was born of worthy good Parents, and had the Advantages of a Religious Education, which I have often thank'd God very heartily for, and look'd upon as an invaluable Blessing: For even when I minded it least, it still hung about me, and gave me checks, and has now for many years so influenced and possessed me, that I feel the happy Effects of it in this my extremity, in which I have been so wonderfully (I thank God) supported, that neither my imprisonment, nor the fear of Death, have been able to discompose me to any degree; but on the contrary, I have found the Assurances of the Love and Mercy of God, in and through my blessed Redeemer, in whom only I trust; and I do not question, but that I am going to partake of that fulness of Joy which is in his presence, the hopes thereof does so wonderfully delight me, that I reckon this as the happiest time of my Life, tho' others may look upon it as the saddest.

I have lived, and now die of the Reformed Religion, a true and sincere Protestant, and in the Communion of the Church of *England*, though I could never yet comply with, or rise up to all the heights of many People. I wish with all my Soul, all our unhappy Differences were removed, and that all sincere Protestants would so far consider the Danger of Popery, as to lay aside their Heats, and agree against the Common Enemy, and that the Church-men would be less severe, and the Dissenters less scrupulous: For I think Bitterness and Persecution are at all times bad, but much more now.

For Popery, I look on it as an Idolatrous and Bloody Religion, and therefore thought myself bound in my station, to do all I could against it. And by that I foresaw I should procure such great Enemies to my self, and so powerful ones, that I have been now for some time expecting the worst. And blessed be God, I fall by the Axe, and not by the Fiery Tryal. Yet, whatever apprehensions I had of Popery, and of my own severe and heavy share I was like to have under it, when it should prevail, I never had a thought of doing any thing against it basely, or inhumanely, but what could well consist with the Christian Religion, and the Laws and Liberties of this Kingdom. And I thank God, I have examin'd all my actions in that matter, with so great care, that I can appeal to God Almighty, who knows my heart, that I went on sincerely, without being moved, either by Passion, By-ends, or ill-design. I have always loved my Country much more than my life; and never had any Design of changing the Government, which I value and look upon as one of the best Governments in the World, and would always have been ready to venture my life for the preserving it, and would have suffered any Extremity, rather than have consented to any Design to take away the King's Life: Neither ever had Man the impudence to propose so base and barbarous a thing to me. And I look on it as a very unhappy and uneasy part of my present Condition, That in my Indictment there should be so much as mention of so vile a Fact; tho' nothing in the least was said to prove any such Matter; but the contrary, by the Lord *Howard*: Neither does any body, I am confident, believe the least of it. So that I need not, I think, say more.

For the King, I do sincerely pray for him, and wish well to him, and to the Nation; That they may be happy in one another; that he may be indeed the Defender of the Faith, That the Protestant Religion, and the Peace and Safety of the Kingdom may be preserved, and flourish under his Government; and that He in his Person may be happy both here, and hereafter.

As for the share I had in the Prosecution of the Popish Plot, I take God to witness, That I proceeded in it in the Sincerity of my heart, being then really convinced (as I am still) that there was a Conspiracy against the King, the Nation, and the Protestant Religion: And I likewise profess, That I never knew any thing, either directly, or indirectly, of any Practice with the Witnesses; which I look upon as so horrid a thing, that I could never have endured it. For, I thank God, Falshood and Cruelty were never in my Nature, but always the farthest from it imaginable. I did believe, and do still, That Popery



pery is breaking in upon the Nation: and that those who advance it, will stop at nothing, to carry on their Design, I am heartily sorry that so many Protestants give their helping hand to it. But I hope God will preserve the Protestant Religion, and this Nation: Though I am afraid it will fall under very great Tryals, and very sharp Sufferings. And indeed the Impiety and Prophaneness that abounds, and appears so scandalously bare-fac'd every where, gives too just reason to fear the worst things which can befall a People. I pray God prevent it, and give those who have shew'd Concern for the Publick Good, and who have appear'd hearty for the true Interest of the Nation, and the Protestant Religion, Grace to live so, that they may not cast a reproach on that which they endeavour to advance; which (God knows) has often given me many sad thoughts. And I hope such of my Friends as may think they are touch'd by this, will not take what I say in ill part, but endeavour to amend their ways, and live suitable to the Rules of the true Reformed Religion, which is the only thing can administer true Comfort at the latter end, and revive a man when he comes to Dye.

As for my present Condition, I blefs God, I have no repining in my heart at it. I know for my Sins I have deserved much worse at the hands of God; so that I chearfully submit to so small a Punishment, as the being taken off a few years sooner, and the being made a Spectacle to the World. I do freely forgive all the World; particularly those concerned in taking away my life: and I desire and conjure my Friends to think of no Revenge, but to submit to the holy Will of God, into whose Hands I resign my self entirely.

But to look back a little, I cannot but give some touch about the Bill of Exclusion, and shew the Reasons of my appearing in that Business, which in short is this: That I thought the Nation was in such danger of Popery, and that the expectation of a *Popish Successor* (as I have said in Parliament) put the King's life likewise in such danger, that I saw no way so effectual to secure both, as such a Bill. As to the Limitations which were proposed, if they were sincerely offered, and had pass'd into a Law, the Duke then would have been excluded from the power of a King, and the Government quite alter'd, and little more than the name of a King left. So I could not see either Sin or Fault in the one, when all People were willing to admit of t'other: but thought it better to have a King with his Prerogative, and the Nation easie and safe under him, than a King without it, which must have bred perpetual Jealousies, and a continual struggle. All this I say only to justify my self, and not to enflame others: Though I cannot but think my Earnestness in that matter has had no small influence in my present Sufferings. But I have now done with this World, and am going to a Kingdom which cannot be moved.

And as to the Conspiring to seize the Guards, which is the Crime for which I am Condemned, and which was made a constructive Treason for taking away the King's Life, to bring it within the Statue of *Ed. the 3d.* I shall give this true and clear account. I never was at Mr. *Shepherd's* with that Company but once, and there was no undertaking then of securing or seizing the Guards, nor none appointed to view, or examine them: Some Discourse there was of the feasibility of it, and several times by accident in general Discourse elsewhere, I have heard it mention'd, as a thing might easily be done, but never consented to as fit to be done. And I remember particularly at my Lord *Shaftsbury's* there being some general Discourse of this kind, I immediately flew out, and exclaim'd against it, and ask'd, if the thing succeeded, what must be done next, but massacring the Guards, and killing them in cold blood? Which I look't upon as so detestable a thing, and so like a Popish Practice, that I could not but abhor it. And at the same time the Duke of *Monmouth* took me by the hand, and told me very kindly, My Lord, I see you and I are of a Temper, did you ever hear so horrid a thing? And I must needs do him that Justice to declare, that I never observed in him but an Abhorrence to all base things.

As to my going to Mr. *Shepherd's*, I went with an intention to taste *Sherry*, for he had promised me to reserve for me the next very good piece he met with, when I went out of Town; and if he recollects he may remember I ask'd him about it, and he went and fetch'd a Bottle; but when I tasted it, I said 'twas hot in the mouth, and desired that whenever he met with a choice Piece, he would keep it for me, which he promised. I enlarge the more upon this, because Sir *George Jeffries* insinuated to the Jury, as if I had made a story about going thither; but I never said, that was the only Reason: And I will now truly and plainly add the rest.

I was the day before this Meeting, come to Town for two or three days, as I had done once or twice before; having a very near and dear Relation lying in a very languishing and desperate Condition: And the Duke of *Monmouth* came to me, and told me, he was extremely glad I was come to Town; for my Lord *Shaftsbury*, and some hot Men would undo us all: How so, my Lord, I said? Why (answered he) they'll certainly do

some disorderly thing or other, if great Care be not taken, and therefore for God's sake use your Endeavours with your Friends to prevent any thing of this kind. He told me, there would be Company at Mr. *Shepherd's* that Night, and desired me to be at home in the Evening, and he would call me; which he did: And when I came into the Room, I saw Mr. *Rumsey* by the Chimney; though he swears he came in after; and there were things said by some with much more Heat than Judgment, which I did sufficiently disapprove, and yet for these things I stand condemned. But I thank God, my part was sincere, and well meant. It is, I know, infer'd from hence, and was press'd to me, that I was acquainted with these Heats and ill Designs, and did not discover them. But this is but Misprision of Treason at most. So I dye innocent of the Crime I stand condemn'd for, and I hope nobody will imagine that so mean a Thought could enter into me, as to go about to save my self, by accusing others. The part that some have acted lately of that kind, has not been such as to invite me to love Life at such a rate.

As for the Sentence of Death pass'd upon me, I cannot but think it a very hard one. For nothing was sworn against me (whether true or false, I will not now examine) but some Discourses about making some Stirs. And this is not levying War against the King, which is Treason by the Statute of *Edward the Third*, and not the consulting and discoursing about it, which was all that was witness'd against me. But, by a strange Fetch, the Design of seizing the Guards was construed a Design of killing the King; and so I was in that cast.

And now I have truly and sincerely told what my part was in that, which cannot be more than a bare Misprision; and yet I am condemned as guilty of a Design of killing the King. I pray God lay not this to the charge, neither of the King's Council, nor Judges, nor Sheriffs, nor Jury: And for the Witnesses, I pity them, and wish them well. I shall not reckon up the particulars wherein they did me wrong; I had rather their own Consciences should do that, to which, and the Mercies of God, I leave them. Only I still aver, that what I said of my not hearing Col. *Rumsey* deliver any Message from my Lord *Shaftsbury*, was true; for I always detested Lying, tho' never so much to my advantage. And I hope none will be so unjust and uncharitable, as to think I would venture on it in these my last Words, for which I am so soon to give an account to the Great God, the Searcher of Hearts, and Judge of all Things.

From the time of chusing Sheriffs, I concluded the Heat in that Matter would produce something of this kind; and I am not much surprized to find it fall upon me. And I wish what is done to me, may put a stop, and satiate some Peoples Revenge, and that no more innocent Blood be shed; for I must and do still look upon mine as such, since I know I was guilty of no Treason; and therefore I would not betray my Innocence by Flight, of which I do not (I thank God) yet repent (tho' much press'd to it) how fatal soever it may have seem'd to have proved to me; for I look upon my Death in this manner (I thank God) with other eyes than the World does. I know I said but little at the Trial, and I suppose it looks more like Innocence than Guilt. I was also advis'd not to confess Matter of Fact plainly, since that must certainly have brought me within the Guilt of Misprision. And being thus restrained from dealing frankly and openly, I chose rather to say little, than to depart from that Ingenuity, that, by the Grace of God, I had carried along with me in the former parts of my Life, and so could easier be silent, and leave the whole Matter to the Conscience of the Jury, than to make the last and solemnest part of my Life so different from the Course of it, as the using little Tricks and Evasions must have been. Nor did I ever pretend to a great readiness in speaking: I wish those Gentlemen of the Law, who have it, would make more Conscience in the use of it, and not run Men down, and by Strains and Fetches impose on easie and willing Juries, to the Ruine of innocent Men: For to kill by Forms and Subtilties of Law, is the worst sort of Murder. But I wish the Rage of hot Men, and the Partialities of Juries, may be stopp'd with my Blood, which I would offer up with so much the more Joy, if I thought I should be the last were to suffer in such a way.

Since my Sentence, I have had but few Thoughts, but Preparatory ones for Death: Yet the importunity of my Friends, and particularly of the Best and Dearest Wife in the World, prevail'd with me to sign Petitions, and make an Address for my Life: To which I was very averse. For (I thank God) tho' in all respects I have lived one of the happiest and contentedst Men of the World (for now very near fourteen years) yet I am so willing to leave all, that it was not without Difficulty, that I did any thing for the saving of my Life, that was Begging. But I was willing to let my Friends see what Power they had over me, and that I was not Obstinate, nor Sullen, but would do any thing that an honest Man could do, for their Satisfaction. Which was the only Motive that sway'd, or had any weight with me.

And now to sum up all: As I never had any Design against the King's Life, or the Life of any Man whatsoever; so I never was in any Contrivance of altering the Govern-

ment.

ment. What the Heats, Wickedness, Passions, and Vanities of other men have occasioned, I ought not to be answerable for; nor could I repress them, though I now suffer for them. But the Will of the Lord be done; into whose Hands I commend my Spirit; and trust that Thou, O most Merciful Father, hast forgiven me all my Transgressions; the Sins of my Youth, and all the Errors of my past Life; and that Thou wilt not lay my secret Sins and Ignorances to my Charge; but wilt graciously support me during that small part of my Time now before me, and assist me in my last Moments, and not leave me then to be disorder'd by Fear, or any other Temptations; but make the Light of thy Countenance to shine upon me, for thou art my Sun and my Shield: And as Thou supportest me by thy Grace, so I hope thou wilt hereafter Crown me with Glory, and receive me into the Fellowship of Angels and Saints, in that blessed Inheritance purchased for me by my most merciful Redeemer; who is, I trust, at thy Right Hand, preparing a place for me, and is ready to receive me: into whose Hand I commend my Spirit.

## To the KING's Most Excellent Majesty.

*The Humble Petition of Algernon Sidney, Esquire.*

SHEWETH,

**T**Hat your Petitioner, after a long and close Imprisonment, was on the 7th day of this Month, with a Guard of Souldiers, brought into the *Palace-yard*, upon an *Habeas Corpus* directed to the Lieutenant of the *Tower*, before any Indictment had been exhibited against him: But while he was there detain'd, a Bill was exhibited, and found; whereupon he was immediately carried to the *King's Bench*, and there Arraign'd. In this surprize he desir'd a Copy of the Indictment, and leave to make his Exceptions, or to put in a Special Plea, and Council to frame it; but all was deny'd him. He then offer'd a Special Plea ready Ingross'd, which also was rejected without reading: And being threatned, that if he did not immediately plead *Guilty* or *Not Guilty*, Judgment of High Treason should be entred, he was forc'd contrary to Law (as he supposes) to come to a general Issue in Pleading *Not Guilty*.

*Novemb. 21.* He was brought to his Tryal, and the Indictment being perplexed and confused, so as neither he nor any of his Friends that heard it, could fully comprehend the scope of it, he was wholly unprovided of all the helps that the Law allows to every man for his Defence. Whereupon he did again desire a Copy, and produc'd an Authentick Copy of the Statute of 46 *Ed. 3.* whereby 'tis Enacted, That every man shall have a Copy of any Record that touches him in any manner, as well that which is for or against the King, as any other person; but could neither obtain a Copy of his Indictment, nor that the Statute should be read.

The Jury by which he was try'd, was not (as he is inform'd) summon'd by the Bailiffs of the several Hundreds, in the usual and legal manner, but names were agreed upon by Mr. *Graham*, and the Under-Sheriff, and directions given to the Bailiffs to Summon them: And being all so chosen, a Copy of the Pannel was of no use to him. When they came to be call'd, he excepted against some for being your Majesties Servants, which he hop'd should not have been return'd, when he was prosecuted at your Majesties Suit; many others for not being Freeholders, which Exceptions he thinks were good in Law; and others were lew'd and infamous persons, not fit to be of any Jury: But all was over-rul'd by the Lord Chief Justice, and your Petitioner forc'd to challenge them Peremptorily, whom he found to be pick'd out as most suitable to the Intentions of those who sought his Ruin; whereby he lost the Benefit allow'd him by Law of making his Exceptions, and was forc'd to admit of Mechanick Persons utterly unable to judge of such a matter as was to be brought before them. This Jury being sworn, no Witness was produc'd, who fix'd any thing beyond Hearsay upon your Petitioner, except the Lord *Howard*, and them that swore to some Papers said to be found in his House, and offer'd as a second Witness, and written in an Hand like to that of your Petitioner.

Your Petitioner produced ten Witnesses, most of them of Eminent Quality, the others of unblemish'd Fame, to shew the Lord *Howard's* Testimony was inconsistent with what he had declared before (at the Tryal of the Lord *Ruffel*) under the same Religious obligation of an Oath, as if it had been legally administred.

Your Petitioner did further endeavour to shew, That besides the Absurdity and Incongruity of his Testimony, he being guilty of many Crimes which he did not pretend your Petitioner had any knowledge of, and having no other hope of Pardon, than by the drudgery of Swearing against him, he deserv'd not to be believ'd. And similitude of Hands could be no Evidence, as was declared by the Lord Chief Justice *Keeling*, and the whole Court in the *Lady Carr's* Case; so as that no Evidence at all remain'd against him.

That



That whosoever wrote those Papers, they were but a small part of a Polemical Discourse in answer to a Book written about thirty years ago, upon general Propositions, apply'd to no Time, nor any particular Case; That it was impossible to judge of any part of it, unless the whole did appear, which did not; That the sense of such parts of it as were produced, could not be comprehended, unless the whole had been read, which was denied; That the Ink and Paper shew'd them to be writ many Years ago; That the Lord *Howard* not knowing of them, they could have no concurrence with what your Petitioner is said to have design'd with him and others; That the Confusion and Errors in the writing shew'd they had never been so much as review'd, and being written in an Hand that no man could well read, they were not fit for the Press, nor could be in some Years, though the Writer of them had intended it, which did not appear. But they being only the present crude and private thoughts of a man, for the exercise of his own understanding in his Studies, and never shewed to any, or applied to any particular Case, could not fall under the Statute of 25 *Ed. 3.* which takes cognizance of no such matter, and could not by Construction be brought under it; such matters being thereby reserved to the Parliament, as is declared in the Proviso, which he desired might be read, but was refused.

Several important points of Law did hereupon emerge, upon which your Petitioner, knowing his own weakness, did desire that Council might be heard, or they might be refer'd to be found Specially. But all was over rul'd by the violence of the Lord Ch. Justice, and your Petitioner so frequently interrupted, that the whole method of his Defence was broken, and he not suffered to say the tenth part of what he could have alledged in his defence. So the Jury was hurried into a Verdict they did not understand.

Now forasmuch as no man that is oppressed in *England*, can have Relief, unless it be from your Majesty, your Petitioner humbly prays, that the Premises considered, your Majesty would be pleas'd to admit him into your presence; and if he doth not shew, that 'tis for your Majesties Interest and Honour to preserve him from the said Oppression, he will not complain though he be left to be destroy'd.

*The very Copy of a Paper delivered to the Sheriffs, upon the Scaffold on Tower-Hill, on Friday December 7. 1683. By Algernon Sidney, Esq; before his Execution there.*

*Men, Brethren, and Fathers; Friends, Countrymen, and Strangers;*

IT may be expected that I should now say some Great Matters unto you, but the Rigour of the Season, and the Infirmities of my Age, encreased by a close Imprisonment of above Five Months, doth not permit me.

Moreover, we live in an Age that maketh Truth pass for Treason: I dare not say any thing contrary unto it, and the Ears of those that are about me will probably be found too tender to hear it. My Tryal and Condemnation doth sufficiently evidence this.

*West, Rumsey, and Keyling*, who were brought to prove the Plot, said no more of me, than that they knew me not; and some others equally known unto me, had used my Name, and that of some others, to give a little Reputation unto their Designs. The Lord *Howard* is too infamous by his Life, and the many Perjuries not to be denied, or rather sworn by himself, to deserve mention; and being a single Witness would be of no value, though he had been of unblemish'd Credit, or had not seen and confessed that the Crimes committed by him would be pardoned only for committing more; and even the Pardon promised could not be obtained till the Drudgery of Swearing was over.

This being laid aside, the whole matter is reduc'd to the Papers said to be found in my Closet by the King's Officers, without any other proof of their being written by me, than what is taken from the suppositions upon the similitude of an Hand that is easily Counterfeited, and which hath been lately declared in the Lady *Car's* Case to be no lawful Evidence in Criminal Causes.

But if I had been seen to write them, the matter would not be much altered. They plainly appear to relate unto a large Treatise written long since in answer to *Filmer's* Book, which by all intelligent Men is thought to be grounded upon wicked Principles, equally pernicious unto Magistrates and People.

If he might publish unto the World his Opinion, That all Men are born under a necessity derived from the Laws of God and Nature, to submit unto an Absolute Kingly Government, which could be restrained by no Law, or Oath; and that he that hath the power, whether he came unto it by Creation, Election, Inheritance, Usurpation, or any other way had the Right; and none must oppose his Will, but the Persons and Estates

of his Subjects must be indispensably subject unto it. I know not why I might not have published my Opinion to the contrary, without the breach of any Law I have yet known.

I might as freely as he, publickly have declared my Thoughts, and the Reasons upon which they were grounded, and I persuaded to believe, That God had left Nations unto the Liberty of setting up such Governments as best pleased themselves.

That Magistrates were set up for the good of Nations, not Nations for the honour or glory of Magistrates.

That the Right and Power of Magistrates in every Country, was that which the Laws of that Country made it to be.

That those Laws were to be observed, and the Oaths taken by them, having the force of a Contract between Magistrate and People, could not be Violated without danger of dissolving the whole Fabrick.

That Usurpation could give no Right, and the most dangerous of all Enemies unto Kings were they, who raising their Power to an Exorbitant Height, allowed unto Usurpers all the Rights belonging unto it.

That such Usurpations being seldom Compassed without the Slaughter of the Reigning Person, or Family, the worst of all Villanies was thereby rewarded with the most Glorious Privileges.

That if such Doctrines were received, they would stir up Men to the Destruction of Princes with more Violence than all the Passions that have hitherto raged in the Hearts of the most Unruly.

That none could be safe, if such a Reward were proposed unto any that could destroy them.

That few would be so gentle as to spare even the Best, if, by their destruction, of a Wild Usurper, could become God's Anointed; and by the most execrable Wickedness invest himself with that Divine Character.

This is the Scope of the whole Treatise; the Writer gives such Reasons as at present did occur unto him to prove it. This seems to agree with the Doctrines of the most Reverenced Authors of all Times, Nations and Religions. The best and wisest Kings have ever acknowledged it. The present King of *France* hath declared that Kings have that happy want of Power, that they can do nothing contrary unto the Laws of their Country, and grounds his Quarrel with the King of *Spain*, Anno 1667, upon that Principle. King *James* in his Speech to the Parliament, Anno 1603, doth in the highest degree assert it: The Scripture seems to declare it. If nevertheless the Writer was mistaken, he might have been refuted by Law, Reason, and Scripture; and no man for such matters was ever otherwise punished, than by being made to see his Errour, and it hath not (as I think) been ever known that they had been referred to the Judgment of a Jury, composed of Men utterly unable to comprehend them.

But there was little of this in my Case; the extravagance of my Prosecutors goes higher: The above-mentioned Treatise was never finished, nor could be in many years, and most probably would never have been. So much as is of it was written long since, never reviewed nor shewn unto any man; and the fiftieth part of it was produced, and not the tenth of that afford to be read. That which was never known unto those who are said to have Conspired with me, was said to be intended to stir up the People in Prosecution of the Designs of those Conspirators.

When nothing of particular Application unto Time, Place, or Person could be found in it, (as hath ever been done by those who endeavour'd to raise Insurrections) all was supplied by *Innuendo's*.

Whatsoever is said of the Expulsion of *Tarquin*, the Insurrection against *Nero*; the Slaughter of *Caligula*, or *Domitian*; The Translation of the Crown of *France* from *Merovius* his Race unto *Pepin*; and from his Descendants unto *Hugh Capet*, and the like, applied by *Innuendo* unto the King.

They have not considered, that if such Acts of State be not good, there is not a King in the World that has any Title to the Crown he bears; nor can have any, unless he could deduce his Pedigree from the Eldest Son of *Noah*, and shew that the Succession had still continued in the Eldest of the Eldest Line, and been so deduced to him.

Every one may see what advantage this would be to all the Kings of the World; and whether that failing, it were not better for them to acknowledg they had received their Crowns by the Consent of Willing Nations; or to have no better Title unto them than Usurpation and Violence, which by the same ways may be taken from them.

But I was long since told that I must Die, or the Plot must Die.

Lest the means of destroying the best Protestants in *England* should fail, the Bench must be filled with such as had been Blemishes to the Bar.

None

None but such as these would have Advised with the King's Council, of the means of bringing a Man to Death; Suffered a Jury to be packed by the King's Solicitors, and the Under-Sheriff; Admit of Jury-men who are not Freeholders; Receive such Evidence as is above-mentioned; Refuse a Copy of an Indictment, or to Suffer the Statute of 46 Ed. 3. to be read, that doth expressly Enact, it should in no Case be denied unto any Man upon any occasion whatsoever; over rule the most important Points of Law without hearing. And whereas the Stat. 25. Ed. 3. upon which they said I should be Tried, doth Reserve unto the Parliament all Constructions to be made in Points of Treason. They could assume unto themselves not only a Power to make Constructions, but such Constructions as neither agree with Law, Reason, or Common Sense.

By these means I am brought to this place. The Lord forgive these Practices, and avert the Evils that threaten the Nation from them. The Lord sanctify these my Sufferings unto me; and tho' I fall as a Sacrifice unto Idols, suffer not Idolatry to be Established in this Land. Bless thy People, and save them. Defend thy own Cause, and defend those that defend it. Stir up such as are Faint; Direct those that are willing; confirm those that Waver; Give Wisdom and Integrity unto all. Order all things so as may most redound unto thine own Glory. Grant that I may Die glorifying thee for all thy Mercies; and that at the last thou hast permitted me to be Singled out as a Witness of thy Truth; and even by the Confession of my Opposers, for that *OLD CAUSE* in which I was from my Youth engaged, and for which thou hast Often and Wonderfully declared thy Self.

## CHAP. I.

### OF MAGISTRACY.

I. **R**ELATION is nothing else but that State of Mutual Respect and Reference, which one Thing or Person has to another.

II. Such are the Relations of Father and Son, Husband and Wife, Master and Servant, Magistrate and Subject.

III. The Relations of a Father, Husband and Master, are really distinct and different; that is, one of them is not the other; For he may be any one of these, who is none of the rest.

IV. This distinction proceeds from the different Reasons, upon which these Relations are Founded.

V. The Reason or Foundation, from whence arises the Relation of a Father, is from having Begotten his Son, who may as properly call every Old Man he meets his Father, as any other Person whatsoever, excepting him only who Begat him.

VI. The Relation of an Husband and Wife is founded in Wedlock, whereby they mutually consent to become one Flesh.

VII. The Relation of a Master is founded in that Right and Title which he has to the Possession, or Service, of his Slave or Servant.

VIII. In these Relations, the Name of Father, Husband, and Master, imply Sovereignty and Superiority, which varies notwithstanding, and is more or less Absolute, according to the Foundation of these several Relations.

IX. The Superiority of a Father is founded in that Power, Priority and Dignity of Nature, which a Cause hath over its Effect.

X. The distance is not so great in Wedlock, but the Superiority of the Husband over the Wife, is like that of the Right hand over the left in the same Body.

XI. The Superiority of a Master, is an absolute Dominion over his Slave, a Limited and Conditionate Command over his Servant.

XII. The Titles of *Pater Patria*, and *Sponsus Regni*, Father of the Country, and Husband of the Realm, are Metaphors and improper Speeches: For no Prince ever Begat a whole Country of Subjects; nor can a Kingdom more properly be said to be Married, than the City of *Venice* is to the *Adriatique Gulph*.

XIII. And to shew further, that Magistracy is not Paternal Authority, nor Monarchy founded in Fatherhood; it is undeniably plain, that a Son may be the Natural Sovereign Lord of his own Father, as *Henry* the second had been of *Jeffery Plantagenet*, if he had been an *Englishman*; which, they say, *Henry* the Seventh did not love to think of, when his Sons grew up to Years. And this Case alone is an Eternal Confutation of the Patriarchate.

XIV. Neither is Magistracy a Martial Power, for the Husband may be the Obedient Subject of his own Wife, as *Philip* was of *Queen Mary*.

XV. Nor



XV. Nor is it that Dominion which a Master has over his Slave, for then a Prince might Lawfully Sell all his Subjects, like so many head of Cattle, and make Money of his whole stock whenever he pleases, as a Patron of *Algiers* does.

XVI. Neither is the Relation of Prince and Subject the same with that of a Master and hired Servant, for he does not hire them, but, as *St. Paul* saith, *They pay him Tribute*, in consideration of his continual Attendance and Employment for the Publick Good.

XVII. That publick Office and Employment is the Foundation of the Relation of King and Subject, as many other Relations are likewise Founded upon other Functions and Administrations, such as *Guardian* and *Ward*, &c.

XVIII. The Office of a King is set down at large in the XVII. Chap. of the Laws of King *Edward* the Confessor, to which the succeeding Kings have been sworn at their Coronation: And it is affirmed in the Preambles of the Statutes of (a) *Marlbridge*, and of the Statute of *Quowarranto*, made at (b) *Gloucester*, That the Calling of Parliaments to make Laws for the better Estate of the Realm, and the more full Administration of Justice, Belongeth to the Office of a King. But the fullest account of it in few words, is in Chancellor *Fortescue*, Chap. XIII. which Passage is quoted in *Calvin's Case*, *Coke* VII. Rep. Fol. 5. *Ad Tutelam namque Legis Subditorum, ac eorum Corporum, & bonorum Rex hujusmodi erectus est, & ad hanc potestatem a populo effluxam ipse habet, quod non licet potestate alia suo populo Dominari.* For such a King (That is of every Political Kingdom, as this is) is made and ordained for the Defence or Guardianship of the Law of his Subjects, and of their Bodies and Goods, whereunto he receiveth power of his People, so that he cannot Govern his People by any other power.

Corollary 1. A Bargain's a Bargain.

2. A Popish Guardian of Protestant Laws is such an Incongruity, and he is as Unfit for that Office, as Antichrist is to be Christ's Vicar.

## CHAP. II.

### Of Prerogatives by Divine Right.

I. Government is not matter of Revelation; if it were, then those Nations that wanted Scripture, must have been without Government; whereas Scripture itself says, That Government is *The Ordinance of Man*, and of Humane Extraction. And King *Charles* the First says, of this Government in particular, *That it was Moulded by the Wisdom and Experience of the People.* Answ. to XIX. Prop.

II. All just Governments are highly Beneficial to Mankind, and are of God, the Author of all Good; they are his Ordinances and Institutions, Rom. 13. 1, 2.

III. Plowing and Sowing, and the whole business of preparing Bread-Corn, is absolutely necessary to the subsistence of Mankind; This also cometh forth from the Lord of Hosts, who is wonderful in Counsel, and excellent in Working, Isa. 28. from 23. to 29th Verse.

IV. Wisdom saith, *Counsel is mine, and sound Wisdom; I am Understanding, I have strength: By me Kings Reign, and Princes decree Justice: By me Princes Rule, and Nobles, even all the Judges of the Earth,* Prov. 8. 14.

V. The Prophet, speaking of the Plowman, saith, *His God doth instruct him to discretion, and doth teach him,* Isa. 28. 26.

VI. Scripture neither gives nor takes away Mens Civil Rights, but leaves them as it found them, and (as our Saviour said of himself) is no Divider of Inheritances.

VII. Civil Authority is a Civil Right.

VIII. The Law of England gives the King his Title to the Crown. For, where is it said in Scripture, That such a Person or Family by Name shall enjoy it? And the same Law of England which has made him King, has made him King according to the English Laws, and not otherwise.

IX. The King of England has no more Right to set up a French Government, than the French King has to be King of England, which is none at all.

X. Render unto Caesar the things which are Caesars; neither makes a Caesar, nor tells who Caesar is, nor what belongs to him; but only requires Men to be just, in giving him those supposed Rights, which the Laws have determined to be his.

XI. The Scripture supposes Property, when it forbids Stealing; it supposes Mens Lands to be already Bitted and Bounded, when it forbids removing the ancient Land-marks: And as it is impossible for any Man to prove what Estate he has by Scripture,

Scripture, or to find a Terrier of his Lands there; so it is a vain thing to look for Statutes of Prerogative in Scripture.

XII. If *Mishpat Hamlelech*, the manner of the King, 1 Sam. 8. 11. be a Statute of Prerogative, and prove all those particulars to be the Right of the King, then *Mishpat Haccohanim* the Priest's custom of Sacrilegious Rapine, Chap. 2. 13. proves that to be the Right of the Priests, the same word being used in both places.

XIII. It is the Resolution of all the Judges of *England*, that even the known and undoubted Prerogatives of the *Jewish* Kings, do not belong to our Kings, and that it is an absurd and impudent thing to affirm they do. *Coke* 11. Rep. p. 63. *Mich.* 5. *Jac.* Give us a King  
Note upon Sunday the Tenth of November, in this same Term, the King upon Com- to Judge us.  
plaint made to him by *Bancroft*, Archbishop of *Canterbury*, concerning Prohibitions, 1 Sam. 8. 5,  
was informed, that when Question was made of what matters the Ecclesiastical Judge- 6, 20.  
es have Cognizance, either upon the Exposition of the Statutes, concerning Tythes, or any other Thing Ecclesiastical, or upon the Statute 1 Eliz. concerning the High Commission, or in any other Case, in which there is not express Authority by Law, the King himself may decide it in his Royal person; and that the Judges are but the Delegates of the King, and that the King may take what Causes he shall please to determine from the Determination of the Judges, and may determine them himself. And the Archbishop said, That this was clear in Divinity, That such Authority belongs to the King, by the Word of God in Scripture. To which it was answered by me, in the presence, and with the clear consent of all the Justices of *England*, and Barons of the Exchequer, That the King in his own person cannot adjudge any Case, either Criminal, as Treason, Felony, &c. but this ought to be determined and adjusted in some Court of Justice, according to the Law and Custom of *England*. And always Judgments are given, *Ideo consideratum est per Curiam*, so that the Court gives the Judgment:— And it was greatly marvelled, That the Archbishop durst inform the King, that such absolute power and authority, as is aforesaid, belonged to the King, by the Word of God.

## CHAP. III. OF OBEDIENCE.

I. NO Man has any more Civil Authority than what the Law of the Land has vested in him; Nor is he one of *St. Paul's* Higher Powers any farther, or to any other purposes than the Law has impow'd him.

II. An Usurped, Illegal and Arbitrary power, is so far from being the Ordinance of God, that it is not the Ordinance of Man.

III. Whoever opposes an Usurped, Illegal, and Arbitrary Power, does not oppose the Ordinance of God, but the Violation of that Ordinance.

IV. The 13. of the *Romans* commands Subjection to our Temporal Governours, be- Verse 4.  
cause their Office and Imployment is for the publick welfare, For he is the Minister of God to Thee for Good.

V. The 13. of the *Hebrews* commands Obedience to spiritual Rulers, Because they watch Verse 17.  
for your Souls.

VI. But the 13. of the *Hebrews* did not oblige the Martyrs and Confessors in *Queen Mary's* Time, to obey such blessed Bishops as *Bonner* and the Beast of *Rome*, who were the perfect Reverse of *St. Paul's* spiritual Rulers, and whose practice was murdering of Souls and Bodies, according to the true Character of *Papery* which was given it by the Bishops who compiled the Thanksgiving for the Fifth of November, but Archbishop *Laud* was wiser than they, and in his time blotted it out.

The Prayer formerly run thus: To that end strengthen the Hands of our Gracious King, the Nobles and Magistrates of the Land, to cut off these workers of Iniquity (whose Religion is Rebellion, whose Faith is Faction, whose practice is murdering of Souls and Bodies) and to root them out of the Confiners of this Kingdom.

VII. All the Judges of *England* are bound by their Oath, and by the duty of their place, to disobey all Writs, Letters, or Commands which are brought to them, either under the little Seal, or under the great Seal, to hinder or delay common Right. Are the 18 Edw. III.  
Judges all bound in an Oath, and by their places, to break the 13 of the *Romans*? 20 Edw. III.  
Cap. 1. 2.

VIII. The Engagement of the Lords attending upon the King at *York*, June 13. 1642. which was subscribed by the Lord Keeper, and Thirty Nine Peers, besides the Lord Chief-Justice *Banks*, and several others of the Privy-Council, was in these words:

We do engage our selves not to Obey any Orders or Commands whatsoever, not warranted by the known Laws of the Land. Was this likewise an Association against the 13 of the Romans?

IX. A Constable represents the King's person, and in the Execution of his Office is within the purview of the 13 of the Romans, as all Men grant; but in case he so far pervert his Office, as to break the Peace, and commit Murther, Burglary, or Robbery on the Highway, he may, and ought to be Resisted.

X. The Law of the Land is the best Expofitor of the 13 of the Romans, Here, and in Poland, the Law of the Land There.

XI. The 13 of the Romans is receiv'd for Scripture in Poland, and yet this is expressed in the Coronation Oath in that Country; *Quod si Sacramentum meum violavero, Incola Regni nullam nobis Obedientiam prestare tenebuntur.* And if I shall violate my Oath, the Inhabitants of the Realm shall not be bound to yield me any Obedience.

XII. The Law of the Land, according to Bracton, is the highest of all the Higher Powers mentioned in this Text; for it is superior to the King, and made him King, (Lib. 3. Cap. 26. *Rex habet superiorum Deum, item Legem, per quam factus est Rex, item Curiam suam, viz. Comites & Barones*) and therefore by this Text we ought to be subject to it in the first place. And according to Melancthon, *It is the Ordinance of God, to which the Higher Powers themselves ought to be subject.* Vol. 3. In his Commentary on the Fifth Verse, (Wherefore ye must needs be subject, not only for Wrath, but also for Conscience sake.) He hath these words, *Neque vero hac tantum pertinent ad Subditos, sed etiam ad Magistratum, qui cum sunt Tyranni, non minus dissipant Ordinationem Dei, quam Seditiosi. Ideo Conscientia sua rea, quia non obediunt Ordinationi Dei, id est, Legibus, quibus debent parere. Ideo Comminationes hic posita etiam ad ipsos pertinent. Itaque hujus mandati severitas moveat omnes, ne violationem Politici status putent esse leve peccatum.* Neither doth this place concern Subjects only, but also the Magistrates themselves, who when they turn Tyrants, do no less overthrow the Ordinance of God than the Seditious; and therefore their Consciences too are guilty, for not obeying the Ordinance of God, that is, the Laws which they ought to obey: So that the Threatnings in this place do also belong to them; wherefore let the severity of this Command deter all men from thinking the Violation of the Political Constitution to be a light Sin.

Corollary. To destroy the Law and Legal Constitution, which is the Ordinance of God, by false and arbitrary Expositions of this Text, is a greater Sin than to destroy it by any other means; For it is *Seething the Kid in his Mothers Milk.*

## CHAP. IV.

### OF LAWS.

I. There is no Natural Obligation, whereby one Man is bound to yield Obedience to another, but what is founded in paternal or patriarchal Authority.

II. All the Subjects of a patriarchal Monarch are Princes of the Blood.

III. All the people of England are not Princes of the Blood.

IV. No Man who is Naturally Free can be Bound, but by his own Act and Deed.

V. Publick Laws are made by publick consent, and they therefore bind every man, because every man's consent is involved in them.

VI. Nothing but the same Authority and Consent which made the Laws, can Repeal, Alter, or Explain them.

VII. To judge and determine Causes against Law, without Law, or where the Law is obscure and uncertain, is to assume Legislative power.

VIII. Power assumed, without a Man's consent, cannot bind him as his own Act and Deed.

IX. The Law of the Land is all of a piece, and the same Authority which made one Law, made all the rest, and intended to have them all Impartially Executed.

X. Law on One Side, is the Back-Sword of Justice.

XI. The Best Things, when Corrupted, are the Worst; and the wild Justice of a State of Nature, is much more desirable than Law perverted, and over-ruled, into Hemlock and Oppression.



Copies of Two Papers Written by the Late  
King CHARLES II.Published by His MAJESTIES Command. Printed in  
the Year 1686.*The First Paper.*

THE Discourse we had the other Day, I hope satisfied you in the main, that Christ can have but one Church here upon Earth, and I believe that it is as visible as that the Scripture is in Print; That none can be that Church, but that, which is called the *Roman Catholick Church*. I think you need not trouble your self with entring into that Ocean of particular Disputes, when the main, and, in truth, the only Question is; Where that Church is, which we profess to believe in the two Creeds? We declare there to believe *one Catholick and Apostolick Church*, and it is not left to every phantastical man's head to believe as he pleases, but to the Church to whom Christ left the power upon Earth to govern us in matters of Faith, who made these Creeds for our Directions. It were a very Irrational thing to make Laws for a Country, and leave it to the Inhabitants, to be the Interpreters and Judges of those Laws, For then every man will be his own Judge, and by consequence no such thing as either right or wrong. Can we therefore suppose that God Almighty would leave us at those uncertainties, as to give us a Rule to go by, and to leave every man to be his own Judge? I do ask any ingenuous man, whether it be not the same thing to follow our own Fancy or to interpret the Scripture by it? I would have any man shew me, where the power of deciding matters of Faith is given to every particular man. Christ left his power to his Church even to *forgive Sins in Heaven*, and left his Spirit with them, which they exercised after his Resurrection: First by his Apostles in these Creeds, and many years after by the Council at *Nice*, where that Creed was made that is called by that name, and by the power which they had received from Christ, they were the Judges even of the Scripture it self many years after the Apostles, which Books were Canonical and which were not. And if they had this power then, I desire to know how they came to lose it, and by what Authority men separate themselves from that Church? The only pretence I ever heard of, was, because the Church has fail'd in wresting and interpreting the Scripture contrary to the true sence and meaning of it, and that they have imposed Articles of Faith upon us, which are not to be warranted by God's word? I do desire to know who is to be Judge of that, whether the whole Church, the Succession whereof has continued to this day without interruption, or particular men who have raised Schisms for their own advantage?

*This is a true Copy of a Paper I found in the late King my  
Brothers Strong Box, written in his own Hand.*

JAMES R.

*The Second Paper.*

IT is a sad thing to consider what a world of Heresies are crept into this Nation; Every man thinks himself as competent a Judge of the Scriptures as the very Apostles themselves; and 'tis no wonder that it should be so, since that part of the Nation which looks most like a Church, dares not bring the true Arguments against the other Sects, for fear they should be turned against themselves, and confuted by their own Arguments. The Church of *England* (as 'tis call'd) would fain have it thought, that they are the Judges in matters Spiritual, and yet dare not say positively that there is no Appeal from them; for  
either

either they must say, that they are Infallible (which they cannot pretend to) or confess that what they decide in matters of Conscience, is no further to be followed, then it agrees with every mans private Judgment. If Christ did leave a Church here upon Earth, and we were all once of that Church, how? and by what Authority, did we separate from that Church? If the power of Interpreting of Scripture be in every mans brain, what need have we of a Church or Church-men; To what purpose then did our Saviour, after he had given his Apostles power to *Bind and Loose in Heaven and Earth*, add to it, *that he would be with them even to the end of the World*? These words were not spoken Parabolically, or by way of Figure. Christ was then ascending into his Glory, and left his Power with his Church even to the *End of the World*. We have had these hundred years past, the sad effects of denying to the Church that Power in matters Spiritual, without an Appeal. What Country can subsist in peace or quiet, where there is not a Supreme Judge from whence there can be no Appeal? Can there be any Justice done where the Offenders are their own Judges, and equal Interpreters of the Law, with those that are appointed to administer Justice? This is our Case here in *England* in matters Spiritual; for the Protestants are not of the Church of *England*, as 'tis the true Church from whence there can be no Appeal; but because the Discipline of that Church is conformable at that present to their fancies, which as soon as it shall contradict or vary from, they are ready to embrace or joyn with the next Congregation of People, whose Discipline and Worship agrees with their Opinion at that time, so that according to this Doctrine, there is no other Church, nor Interpreter of Scripture but that which lies in every mans giddy brain. I desire to know therefore of every serious Considerer of these things, whether the great work of our Salvation ought to depend upon such a Sandy Foundation as this? Did Christ ever say to the Civil Magistrate (much less to the People) *that he would be with them to the end of the World*? Or, did he give them the Power to forgive Sins? St. Paul tells the *Corinthians*, *Ye are Gods Husbandry, ye are Gods Building; we are Labourers with God*. This shews who are the *Labourers*, and who are the *Husbandry and Building*: And in this whole Chapter, and in the preceeding one, St. Paul takes great pains to set forth that they, the Clergy, *have the Spirit of God, without which no man searcheth the deep things of God*; and he concludeth the Chapter with this Verse, *For who hath known the mind of the Lord that he may instruct him? But we have the mind of Christ*. Now if we do but consider in humane probability and reason, the powers Christ leaves to his Church in the Gospel, and St. Paul explains so distinctly afterwards, we cannot think that our Saviour said all these things to no purpose; And pray consider on the other side, that those who resist the truth, and will not submit to his Church, draw their Arguments from Implications, and far fetch'd Interpretations, at the same time that they deny plain and positive words; which is so great a Disingenuity, that 'tis not almost to be thought that they can believe themselves. Is there any other foundation of the Protestant Church, but that if the Civil Magistrate please, he may call such of the Clergy as he thinks fit for his turn at that time; and turn the Church either to *Presbytery*, *Independency*, or indeed what he pleases? This was the way of our pretended Reformation here in *England*; and by the same Rule and Authority it may be altered into as many more Shapes and Forms as there are Fancies in mens Heads.

*This is a true Copy of a Paper written by the late King my Brother in his own Hand, which I found in his Closet.*

JAMES R.

A LETTER, Containing some Remarks on the Two Papers, writ by His late Majesty King CHARLES the Second, Concerning Religion.

SIR,

I Thank you for the two Royal Papers that you have sent me: I had heard of them before, but now we have them so well attested, that there is no hazard of being deceived by a false Copy: you expect that in return, I should let you know what impression they have made upon me. I pay all the reverence that is due to a Crowned Head, even in Ashes; to which I will never be wanting: far less am I capable of suspecting the Royal Attestation that accompanies them; of the truth of which I take it

it for granted no man doubts; but I must crave leave to tell you, that I am confident, the late King only copied them, and that they are not of his Composing. for as they have nothing of that free Air, with which he expressed himself; so there is a Contexture in them, that does not look like a Prince; and the beginning of the first shews it was the effect of a Conversation, and was to be communicated to another: so that I am apt to think they were Composed by another, and were so well relished by the late King, that he thought fit to keep them, in order to his examining them more particularly; and that he was prevailed with to Copy them lest a Paper of that nature might have been made a Crime if it had been found about him written by another hand: and I could name one or two Persons, who as they were able enough to Compose such Papers, so had power enough over his Spirit to engage him to Copy them, and to put themselves out of danger by restoring the Original.

You ought to address your self to the Learned Divines of our Church, for answer to such things in them as puzzle you, and not to one that has not the honour to be of that Body, and that has now carried a Sword for some time, and employs the leisure that at any time he enjoys, rather in Philosophical and Mathematical Enquiries than in matters of Controversie. There is indeed one Consideration that determined me more easily to comply with your desires, which is, my having had the honour to discourse copiously of those matters with the late King himself: and he having proposed to me some of the particulars that I find in those Papers, and I having said several things to him, in answer to those Heads, which he offered to me only as Objections, with which he seemed fully satisfied, I am the more willing to communicate to you, that which I took the liberty to lay before His late Majesty on several occasions: the particulars on which he insisted in discourse with me, were the "usefulness of a Law without a Judge, and the necessity of an infallible Tribunal to determine Controversies, to which he added, the many Sects that were in England, which seemed to be a necessary consequence of the Liberty that every one took to interpret the Scriptures: and he often repeated that of the Church of *Englands* arguing, from the obligation to obey the Church, against the Sectaries, which he thought was of no force, unless they allowed more Authority to the Church than they seemed willing to admit, in their Disputes with this Church of *Rome*. But upon the whole Matter I will offer you some Reflections, that will, I hope, be of as great weight with you, as they are with my self.

I. All Arguments that prove upon such general Considerations, that there ought to be an Infallible Judge named by Christ, and clothed with his Authority, signify nothing, unless it can be shewed us, in what Texts of Scripture that nomination is to be found; and till that is shewed, they are only Arguments brought to prove that Christ ought to have done somewhat that he has not done. So these are in effect so many Arguments against Christ, unless it appears that he has Authorised such a Judge: therefore the right way to end this Dispute, is, to shew where such a Constitution is Authorised: So that the most that can be made of this is, that it amounts to a favourable presumption.

II. It is a very unreasonable thing for us to form Presumptions, of what is, or ought to be, from Inconveniences that do arise, in case that such things are not: for we may carry this so far, that it will not be easie to stop it. It seems more suitable to the infinite Goodness of God, to communicate the knowledge of himself to all Mankind, and to furnish every Man with such assistances as will certainly prevail over him. It seems also reasonable to think, that so perfect a Saviour as Jesus Christ was, should have shewed us a certain way, and yet consistent with the free Use of our Faculties, of avoiding all sin: nor is it very easie to imagine, that it should be a reproach on his Gospel, if there is not an Infallible Preservative against Errour, when it is acknowledged; that there is no infallible Preservative against sin: for it is certain, that the one Damns us more Infallibly, than the other.

III. Since presumptions are so much insisted on, to prove what things must be appointed by Christ; it is to be considered, that it is also a reasonable Presumption, that if such a Court was appointed by him, it must be done in such plain terms that there can be no room to question the meaning of them: and since this is the hinge upon which all other matters turn, it ought to be expressed so particularly, in whom it is vested, that there should be no occasion given to dispute, whether it is in one Man or in a Body; and if in a Body, whether in the Majority, or in the two thirds, or in the whole Body unanimously agreeing; in short, the Chief thing in all Governments being the Nature and Power of the Judges, those are always distinctly specified; and therefore if these things are not specified in the Scriptures, it is at least a strong Presumption, that Christ did not intend to authorise such Judges.



IV. There were several Controversies raised among the Churches to which the Apostles writ, as appears by the Epistles to the *Romans*, *Corinthians*, *Galatians*, and *Colossians*, yet the Apostles never make use of those passages that are pretended for this Authority to put an end to those Controversies; which is a shrewd Presumption, that they did not understand them in that sense in which the Church of *Rome* does now take them. Nor does St. Paul in the Directions that he gives to the Church-men in his Epistles to *Timothy* and *Titus*, reckon this of submitting to the directions of the Church for one, which he could not have omitted, if this be the true meaning of those disputed passages: and yet he has not one word founding that way, which is very different from the directions which one possessed with the present view that the Church of *Rome* has of this matter must needs have given.

V. There are some things very expressly taught in the *New Testament*, such as the *Rules of a good Life*, the *Use of the Sacraments*, the addressing our selves to God, for *Mercy and Grace*, thro' the Sacrifice that Christ offered for us on the Cross, and the worshipping him as God, the Death, Resurrection and Ascension of *Jesus Christ*, the Resurrection of our Bodies and Life Everlasting: by which it is apparent, that we are set beyond doubt in those matters; if then there are other passages more obscure concerning other matters, we must conclude, that these are not of that Consequence, otherwise they would have been as plainly reveal'd as others are; but above all, if the Authority of the Church is delivered to us in disputable terms, that is a just prejudice against it, since it is a thing of such Consequence, that it ought to have been revealed in a way so very clear and past all dispute.

VI. If it is a Presumption for particular Persons to judge concerning Religion, which must be still referred to the Priests and other Guides in Sacred Matters, this is a good Argument to oblige all Nations to continue in the Established Religion, whatever it may happen to be; and above all others, it was a convincing Argument in the Mouths of the Jews against our Saviour. He pretended to be the *Messiah*, and proved it both by the Prophecies that were accomplished in him, and by the Miracles that he wrought: as for the Prophecies, the Reasons urged by the Church of *Rome* will conclude much stronger, that such dark passages as those of the Prophets were, ought not to be interpreted by particular Persons, but that the Exposition of these must be referred to the Priests and Sanhedrin, it being expressly proved in their Law (*Deut. 17: 8.*) That when Controversies arose, concerning any Cause that was too intricate, they were to go to the place which God should choose, and to the Priests of the Tribe of Levi, and to the Judge in those days, and that they were to declare what was right, and to their decision all were obliged to submit, under pain of Death: So that by this it appears, that the Priests in the Jewish Religion were authorised in so extraordinary a manner, that I dare say, the Church of *Rome* would not wish for a more formal Testimony on her behalf: As for our Saviour's Miracles, these were not sufficient neither, unless his Doctrine was first found to be good: since Moses had expressly warned the people (*Deut. 13. 1.*) That if a Prophet came and taught them to follow after other Gods, they were not to obey him, tho' he wrought Miracles to prove his Mission, but were to put him to Death: So a Jew saying, that Christ, by making himself one with his Father, brought in the worship of another God, might well pretend that he was not oblig'd to yield to the Authority of our Saviour's Miracles, without taking cognisance of his Doctrine, and of the Prophecies concerning the *Messiah*, and in a word, of the whole matter. So that if these Reasonings are now good against the Reformation, they were as strong in the Mouths of the Jews against our Saviour: and from hence we see, that the Authority that seems to be given by Moses to the Priests, must be understood with some Restrictions; since we not only find the Prophets, and *Jeremy* in particular, opposing themselves to the whole body of them, but we see likewise, that for some considerable time before our Saviour's days, not only many ill-grounded Traditions had got in among them, by which the vigor of the Moral Law was much enervated, but likewise they were universally possessed with a false notion of their *Messiah*; so that even the Apostles themselves had not quite shaken off those prejudices at the time of our Saviour's Ascension. So that here a Church, that was still the Church of God, that had the appointed means of the Expiations of their sins, by their Sacrifices and Washings, as well as by their Circumcision, was yet under great and fatal Errors, from which particular persons had no way to extricate themselves, but by examining the Doctrine and Texts of Scripture, and by judging of them according to the Evidence of Truth, and the force and freedom of their Faculties.

VII. It seems Evident, that the passage (*Tell the Church*) belongs only to the reconciling of Differences: that of binding and loosing, according to the use of those terms among

among the *Jews* signifies only an *Authority* that was given to the *Apostles* of giving Precepts, by which men were to be obliged to such Duties, or set at liberty from them: and (*the gates of Hell not prevailing against the Church*) signifies only, that the *Christian Religion* was never to come to an end, or to perish; and that of (*Christ's being with the Apostles to the end of the world*) imports only a special conduct and protection which the *Church* may always expect, but as the promise, I will not leave thee nor forsake thee; that belongs to every *Christian*, does not import an *Infallibility*: no more does the other. And for those passages concerning (*the Spirit of God that searches all things*) it is plain, that in them *St. Paul* is treating of the *Divine Inspiration*, by which the *Christian Religion* was then opened to the *World*, which he sets in opposition to the *Wisdom or Philosophy* of the *Greeks*; so that as all those passages come short of proving that for which they are alledged, it must at last be acknowledged, that they have not an Evidence great enough to prove so important a truth, as some would evince by them; since 'tis a matter of such vast consequence, that the proofs for it must have an undeniable Evidence.

VIII. In the matters of *Religion* two things are to be considered; first, the *Account* that we must give to *God*, and the *Rewards* that we expect from him: and in this every man must answer for the sincerity of his Heart, in examining *Divine Matters*, and the following what (upon the best Enquiries that one could make) appeared to be true: and with relation to this, there is no need of a Judge: for in that Great Day every one must answer to *God* according to the Talents that he had, and all will be saved according to their sincerity; and with relation to that Judgment, there is no need of any other Judge but *God*. A second view of *Religion*, is as it is a *Body* united together, and by consequence brought under some Regulation: and as in all States, there are subaltern Judges, in whose decisions all must at least acquiesce, tho' they are not infallible, there being still a sort of an Appeal to be made to the Sovereign or the Supreme Legislative Bod; so the *Church* has a subaltern Jurisdiction, but as the Authority of Inferiour Judges is still regulated, and none but the Legislators themselves have an Authority equal to the Law; so it is not necessary for the preservation of Peace and Order, that the Decisions of the *Church* should be infallible, or of equal Authority with the *Scriptures*. If Judges do so manifestly abuse their Authority, that they fall into Rebellion and Treason, the Subjects are no more bound to consider them; but are obliged to resist them, and to maintain their Obedience to their Sovereign; tho' in other matters their Judgment must take place, till they are reversed by the Sovereign. The case of *Religion* being then this, That *Jesus Christ* is the Sovereign of the *Church*; the Assembly of the *Pastors* is only a subaltern Judge: if they manifestly oppose themselves to the *Scriptures*, which is the Law of *Christians*, particular persons may be supposed as competent Judges of that, as in civil Matters they may be of the Rebellion of the Judges, and in that case they are bound still to maintain their Obedience to *Jesus Christ*. In matters indifferent, *Christians* are bound, for the preservation of Peace and Unity, to acquiesce in the Decisions of the *Church*, and in Matters justly doubtful, or of small Consequence, tho' they are convinced that the *Pastors* have erred, yet they are obliged to be silent, and to bear tolerable things rather than make a Breach; but if it is visible, that the *Pastors* do Rebel against the Sovereign of the *Church*, I mean *Christ*, the people may put in their Appeal to that great Judge, and there it must lie. If the *Church* did use this Authority with due Discretion, and the people followed the Rules that I have named with Humility and Modesty, there would be no great danger of many Divisions; but this is the great Secret of the providence of *God*, that men are still men, and both *Pastors* and People mix their Passions and Interests so with matters of Religion, that as there is a great deal of Sin and Vice still in the *World*, so that appears in the Matters of Religion as well as in other things: but the ill Consequences of this; tho' they are bad enough, yet are not equal Effects that ignorant Superstition, and Obedient Zeal have produced in the *World*, Witness the *Rebellions* and *Wars* for establishing the Worship of Images; the *Crossades* against the *Saracens*, in which many Millions were lost; those against Hereticks, and Princes deposed by *Popes*, which lasted for some Ages; and the *Massacre of Paris*, with the *Butcheries* of the *Duke of Alva* in the last Age; and that of *Ireland* in this: which are, I suppose far greater Mischiefs than any that can be imagined to arise out of a small Diverſion of Opinions: and the present State of this *Church*, notwithstanding all those unhappy Rents that are in it, is a much more desirable thing, than the gross Ignorance and blind Superstition that reigns in *Italy* and *Spain* at this day.

IX. All these reasonings concerning the Infallibility of the *Church* signify nothing, unless we can certainly know, whither we must go for this Decision: for while one Party

Party shews us, that it must be in the *Pope*, or is no where, and another Party says it cannot be in the *Pope*, because as many *Popes* have erred, so this is a Doctrine that was not known in the Church for a thousand Years, and that has been disputed ever since it was first asserted, we are in the right to believe both sides; first, that if it is not in the *Pope*, it is no where; and then, that certainly it is not in the *Pope*; and it is very incongruous to say, that there is an Infallible Authority in the Church, and that yet it is not certain where one must seek for it; for the one ought to be as clear as the other, and it is also plain, that what Primacy soever St. *Peter* may be supposed to have had, the Scripture says not one word of his Successors at *Rome*; so at least this is not so clear, as a matter of this Consequence must have been, if Christ had intended to have lodged such an Authority in that See.

X. It is no less incongruous to say, that this Infallibility is in a General Council: for it must be somewhere else, otherwise it will return only to the Church by some starts, and other long intervals: and as it was not in the Church, for the first Three Hundred and Twenty years, so it has not been in the Church these last 120 years. It is plain also, that there is no Regulation given in the Scriptures: concerning this great Assembly, who have a right to come and Vote, and what forfeits this right, and what numbers must concur in a Decision, to assure us of the Infallibility of the Judgment. It is certain, there was never a General Council of all the Pastors of the Church: for those of which we have the Acts, were only the Council of the *Roman* Empire, but for those Churches, that were in the South of *Africa*, or the Eastern parts of *Asia*, beyond the bounds of the *Roman* Empire, as they could not be summoned by the Emperours Authority, so it is certain none of them were present: unless one or two of *Persia* at *Nice*, which perhaps was a Corner of *Persia* belonging to the Empire; and unless it can be proved, that the *Pope* has an Absolute Authority to cut off whole Churches from their right of coming to Councils, there has been no General Council these last 700 years in the World, ever since the Bishops of *Rome* have Excommunicated all the *Greek* Churches upon such trifling Reasons, that their own Writers are now ashamed of them; and I will ask no more of a Man of a Competent Understanding, to satisfy him, that the Council of *Trent* was no General Council, acting in that Freedom that became Bishops, than that he will be at the pains to read *Card. Pallavicin's* History of that Council.

XI. If it is said, that this Infallibility is to be sought for in the Tradition of the Doctrine in all Ages, and that every particular Person must examine this: here is a Sea before him, and instead of examining the small Book of the *New Testament*, he is involved in a study that must cost a Man an Age to go thro' it; and many of the Ages, thro' which he carries this Enquiry, are so dark, and have produced so few Writers, at least so few are preserved to our days, that it is not possible to find out their Belief. We find also Traditions have varied so much, that it is hard to say that there is much weight to be laid on this way of Conveyance. A Tradition concerning Matters of Fact that all People see, is less apt to fail than a Tradition of Points of Speculation: and yet we see very near the Age of the Apostles, contrary Traditions touching the Observation of *Easter*, from which we must conclude, that either the Matter of Fact of one side, or the other, as it was handed down, was not true, or at least that it was not rightly understood. A Tradition concerning the Use of the Sacraments, being a visible thing, is the more likely to be exact, than a Speculation concerning their Nature; and yet we find a Tradition of giving Infants the Communion, grounded on the indispensable necessity of the Sacrament, continued 1000 years in the Church. A Tradition on which the Christians founded their Joy and Hope, is less like to be changed, than a more remote Speculation, and yet the first Writers of the Christian Religion had a Tradition handed down to them by those who saw the Apostles, of the Reign of Christ for a Thousand Years upon Earth; and if those who had Matters at second hand from the Apostles, could be thus mistaken, it is more reasonable to apprehend greater Errors at such a distance. A Tradition concerning the Book of the Scriptures is more like to be exact, than the Expositions of some passages in it; and yet we find the Church did unanimously believe the Translation of the 70 Interpreters to have been the effect of a miraculous Inspiration, till St. *Jerome* examined this matter better, and made a New Translation from the Hebrew Copies. But which is more than all the rest, it seems plain, that the Fathers before the Council of *Nice* believed the Divinity of the Son of God to be in some sort inferiour to that of the Father, and for some Ages after the Council of *Nice*, they believed them indeed both equal, but they considered these as two different Beings, and only one in Essence, as, three men have the same Humane Nature in common among them; and that as one Candle lights another, so the one flowed from another; and after the Fifth Century the Do-



Strine of one Individual Essence was received. If you will be farther informed concerning this, *Father Petau* will satisfy you as to the first Period before the Council of *Nice*, and the learned *Dr. Cudworth* as to the second. In all which particulars it appears, how variable a thing Tradition is. And upon the whole matter, the examining Tradition thus, is still a searching among Books, and here is no living Judge.

XII. If then the Authority that must decide Controversies, lies in the Body of the Pastors scattered over the World, which is the last retrenchment, here as many and as great Scruples will arise, as we found in any of the former Heads. Two difficulties appear at first view, the one is, How can we be assured that the present Pastors of the Church are derived in a just Succession from the Apostles: there are no Registers extant that prove this: So that we have nothing for it but some Histories, that are so carelessly writ, that we find many mistakes in them in other Matters; and they are so different in the very first links of that Chain, that immediately succeeded the Apostles, that the utmost can be made of this, is, that here is an Historical Relation somewhat doubtful; but here is nothing to found our Faith on: so that if a Succession from the Apostles times, is necessary to the Constitution of that Church, to which we must submit our selves, we know not where to find it: besides that, the Doctrine of the necessity of the Intention of the Minister to the Validity of a Sacrament, throws us into inextricable difficulties. I know they generally say, that by the Intention they do not mean the inward Acts of the Minister of the Sacrament, but only that it must appear by his outward deportment, that he is in earnest going about a Sacrament, and not doing a thing in jest; and this appeared so reasonable to me, that I was sorry to find our Divines urge it too much: till turning over the Rubricks that are at the beginning of the Missal, I found upon the head of the Intention of the Minister, that if a Priest has a number of *Hosties* before him to be consecrated, and intends to Consecrate them all, except one, in that case that Vagrant Exception falls upon them all: it not being affixed to any one, and it is defined that he Consecrates none at all. Here it is plain, that the secret Acts of a Priest can defeat the Sacrament: so this overthrows all certainty concerning a Succession: But besides all this, we are sure, that the *Greek Churches* have a much more uncontested Succession than the *Latines*: So that a Succession cannot direct us. And if it is necessary to seek out the Doctrines that are universally received, this is not possible for a private man to know. So that in ignorant Countries, where there is little Study, the people have no other certainty concerning their Religion, but what they take from their Curate and Confessor: since they cannot examine what is generally received. So that it must be confessed, that all the Arguments that are brought for the necessity of a constant *infallible Judge*, turn against all those of the Church of *Rome*, that do not acknowledge the *Infallibility* of the *Pope*: for if he is not *infallible*, they have no other Judge, that can pretend to it. It were also easie to shew, that some Doctrines have been as Universally received in some Ages, as they have been rejected in others; which shews, that the Doctrine of the present Church is not always a sure measure. For five Ages together, the Doctrine of the *Pope's Power to depose Heretical Princes* was received without the least Opposition: and this cannot be doubted by any that knows what has been the State of the Church, since the end of the Eleventh Century: and yet I believe few Princes would allow this, notwithstanding all the concurring Authority of so many Ages to fortifie it. I could carry this into a great many other Instances, but I single out this, because it is a point in which Princes are naturally extreme sensible.

Upon the whole matter, it can never enter into my mind, that God, who has made Man a Creature, that naturally enquires and reasons, and that feels as sensible a pleasure when he can give himself a good account of his Actions, as one that sees, does perceive in comparison to a blind man that is led about; and that this God that has also made Religion on design to perfect this Humane Nature, and to raise it to the utmost height to which it can arrive, has contrived it to be dark, and to be so much beyond the penetration of our Faculties, that we cannot find out his mind in those things that are necessary for our Salvation: and that the *Scriptures*, that were writ by plain men, in a very familiar Stile, and address without any Discrimination to the Vulgar, should become such an unintelligible Book in these Ages, that we must have an *infallible Judge* to expound it: and when I see not only *Popes*, but even some Bodies that pass for General Councils, have so expounded many passages of it, and have wrested them so visibly, that none of the Modern Writers of that Church pretend to excuse it, I say, I must freely own to you, that when I find that I need a Commentary on dark passages, these will be the last persons to whom I will address my self for it. Thus you see how fully I have opened my mind to you in this matter; I have gone over a great deal of

ground in as few words as is possible, because hints I know are enough for you; I thank God, these Considerations do fully satisfy me, and I will be infinitely joyed, if they have the same effect on you.

*I am yours.*

**T**His Letter came to *London* with the return of the first Post after his late Majesties Papers were sent into the Country; some that saw it, liked it well, and wished to have it publick, and the rather, because the Writer did not so entirely confine himself to the Reasons that were in those Papers, but took the whole Controversie to task in a little compass, and yet with a great variety of Reflections. And this way of examining the whole matter, without following those Papers word for word, or the finding more fault than the common concern of this Cause required, seemed more agreeing to the respect that is due to the Dead, and more particularly to the Memory of so great a Prince; but other considerations made it not so easie nor so adviseable to procure a License for the Printing this Letter, it has been kept in private hands till now: those who have boasted much of the Shortness of the late King's Papers, and of the length of the Answers that have been made to them, will not find so great a disproportion between them and this Answer to them.

*A Brief Account of particulars occurring at the happy Death of our late Sovereign Lord King Charles II. in regard to Religion; faithfully related by his then Assistant, Mr. Jo. Hudleston.*

**U**PON *Thursday* the Fifth of *February*, 1685. Between Seven and Eight a Clock in the Evening, I was sent for in haste to the Queens Back-stairs at *Whitehall*, and desired to bring with me all things necessary for a dying Person. Accordingly I came, and was order'd not to stir from thence till further notice; being thus obliged to wait, and not having had time to bring along with me the Most Holy Sacrament of the Altar, I was in some Anxiety how to procure it: In this conjuncture (the Divine Providence so disposing) Father *Bento de Lemos a Portugez*, came thither, and understanding the circumstance I was in, readily offer'd himself to go to *St. James's* and bring the Most Holy Sacrament along with him.

Soon after his departure I was call'd into the King's Bed-Chamber, where approaching to the Bed side, and kneeling down, I in brief presented his Majesty with what Service I could perform for God's Honour, and the happiness of his Soul at this last Moment on which Eternity depends. The King then declared himself: That he desired to die in the Faith and Communion of the Holy Roman Catholick Church, That he was most heartily sorry for all the Sins of his life past, and particularly for that he had deferred his Reconciliation so long; That through the Merits of Christ's Passion he hoped for Salvation, That he was in Charity with all the World; That with all his Heart he Pardon'd his Enemies and desired Pardon of all those whom he had any wise offended, and that if it pleas'd God to spare him longer life, he would amend it, detesting all Sin.

I then advertis'd his Majesty of the benefit and necessity of the Sacrament of Penance, which Advertisment the King most willingly embracing, made an exact Confession of his whole Life, with exceeding Compunction and Tendernefs of Heart; which ended, I desired him, in farther sign of Repentance and true sorrow for his Sins, to say with me this little short Act of Contrition.

O my Lord God, with my whole Heart and Soul I detest all the Sins of my Life past for the Love of Thee, whom I love above all things, and I firmly purpose by thy Holy Grace never to offend thee more, *Amen*, Sweet Jesus, *Amen*. Into thy Hands, Sweet Jesus, I commend my Soul, Mercy, Sweet Jesus, Mercy. This he pronounced with a clear and audible voice; which done, and his Sacramental Penance admitted, I gave him Absolution.

After some time thus spent I asked his Majesty, if he did not also desire to have the other Sacraments of the Holy Church administred unto him? He reply'd, By all means, I desire to be partaker of all the helps and Succours necessary and expedient for a Catholick Christian in my condition. I added, and doth not your Majesty also desire to receive the Pretious Body and Blood of our dear Saviour Jesus Christ in the Most Holy Sacrament of the Eucharist? His Answer was this: If I am worthy, pray fail not to let me have it. I then told him, it would be brought to him very speedily, and desired his Majesty, that in the interim he would give me leave to proceed to the Sacrament

crament of Extreme Unction, he replyed with all my Heart; I then Anoyled him, which as soon as perform'd I was call'd to the door, whither the Blessed Sacrament was now brought and delivered to me.

Then returning to the King, I entreated His Majesty that he would prepare and dispose himself to receive. At which the King raising up himself, said, let me meet my Heavenly Lord in a better posture than in my Bed. But I humbly begg'd His Majesty to repose himself: God Almighty, who saw his Heart, would accept of his good intention. The King then having again recited the fore-mentioned Act of Contrition with me, he received the most Holy Sacrament for his Viaticum, with all the Symptoms of Devotion imaginable. The Communion being ended, I Read the usual Prayers, termed the Recommendation of the Soul, appointed by the Church for Catholicks in his Condition. After which the King desired the Act of Contrition: O my Lord God, &c. to be repeated, this done, for his last Spiritual encouragement I said,

Your Majesty hath now received the Comfort and Benefit of all the Sacraments, that a good Christian (ready to depart out of this World) can have or desire. Now it rests only, That you think upon the Death and Passion of our Dear Saviour Jesus Christ, of which I present unto you this Figure (shewing him a Crucifix) lit up therefore the Eyes of your Soul, and represent to your self your sweet Saviour here Crucified: Bowing down his Head to kiss you: His Arms stretched out to Embrace you: His Body and Members all Bloody and Pale with Death to Redeem you: And as you see him Dead and fixed upon the Cross for your Redemption; So have his Remembrance fixed and fresh in your Heart: beseech him with all humility, That his most precious Blood may not be shed in vain for you: And that it will please him by the Merits of his bitter Death and Passion to pardon and forgive you all your Offences, and finally to receive your Soul into his Blessed hands, and when it shall please him to take it out of this Transitory World, to grant you a joyful Resurrection, and an Eternal Crown of Glory in the next. In the Name of the Father, and of the Son, and of the Holy Ghost: Amen.

So Recommending His Majesty on my Knees, with all the Transport of Devotion I was able, to the Divine Mercy and Protection, I withdrew out of the Chamber.

In Testimony of all which I have hereunto subscribed my Name.

JO. HUDLESTON.

Some REFLECTIONS on His Majesties Proclamation of the Twelfth of February, 1687. for a Toleration in Scotland, together with the said Proclamation.

I. THE Preamble of a Proclamation is oft writ in haste, and is the flourish of some wanton Pen: but one of such an extraordinary nature as this is, was probably more severely Examined; there is a new designation of his Majesties Authority here set forth of his *Absolute Power*, which is so often repeated, that it deserves to be a little searched into. Prerogative Royal and Sovereign Authority, are Terms already received and known; but for this *Absolute Power*, as it is a new Term, so those who have coined it, may make it signifie what they will. The Roman Law speaks of *Princeps Legibus solutus*, and *Absolute* in its natural signification, importing the being without all Ties and Restraints; then the true meaning of this seems to be, that there is an Inherent Power in the King, which can neither be restrained by Laws, Promises, nor Oaths; for nothing less than the being free from all these, renders a Power *Absolute*.

II. If the former Term seemed to stretch our Allegiance, that which comes after it, is yet a step of another nature, tho' one can hardly imagine what can go beyond *Absolute Power*: and it is in these Words, *Which all our Subjects are to obey without reserve*. And this is the carrying Obedience many sizes beyond what the Grand Seigneur ever yet claimed: For all Princes, even the most violent Pretenders to *Absolute Power*, till Lewis the Great's time, have thought it enough to oblige their Subjects to submit to their Power, and to bear whatsoever they thought good to impose upon them; but till the Days of the late Conversions by the Dragoons, it was never so much as pretended, that Subjects were bound to Obey their Prince without Reserve, and to be of his Religion, because he would have it so. Which was the only Argument that those late Apostles made use of; so it is probable this qualification of the Duty of Subjects was put in here, to prepare us for a terrible *le Roy le veut*; and in that case we are told



told here, that we must *Obeys without Reserve*; and when those Severe Orders come, the Privy Council, and all such as execute this Proclamation, will be bound by this Declaration to shew themselves more forward than any others, to *obey without Reserve*: and those poor pretensions of Conscience, Religion, Honour, and Reason, will be then reckoned as *Reserves* upon their Obedience, which are all now shut out.

III. These being the grounds upon which this Proclamation is founded, we ought not only to consider what Consequences are now drawn from them, but what may be drawn from them at any time hereafter; for if they are of force, to justify that which is inferred from them, it will be full as just to draw from the same premises an Abolition of the Protestant Religion, of the Rights of the Subjects, not only to Church-Lands, but to all Property whatsoever. In a word, it Asserts a Power to be in the King, to command what he will, and an Obligation in the Subjects, to Obeys whatsoever he shall Command.

IV. There is also mention made in the Preamble of the *Christian Love and Charity*, which his Majesty would have established among Neighbours; but another dash of a Pen, founded on this *Absolute Power*, may declare us all Hereticks; and then in wonderful Charity to us, we must be told, that we are either to Obeys without Reserve, or be burnt without Reserve. We know the Charity of that Church pretty well: It is indeed fervent and burning; and if we have forgot what has been done in former Ages, *France*, *Savoy*, and *Hungary* have set before our Eyes very fresh Instances of the Charity of that Religion. While those Examples are so green, it is a little too imposing on us, to talk to us of *Christian Love and Charity*. No doubt His Majesty means sincerely, and his Exactness to all his Promises, chiefly to those made since he came to the Crown, will not suffer us to think an unbecoming Thought of his Royal Intentions; but yet after all, tho' it seems by this Proclamation, that we are bound to *Obeys without Reserve*, it is hardship upon hardship to be bound to *Believe without Reserve*.

V. There are a sort of People here Tolerated, that will be hardly found out: and these are the Moderate Presbyterians: Now, as some say, that there are very few of those People in *Scotland* that deserves this Character, so it is hard to tell what it amounts to; and the calling any of them Immoderate, cuts off all their share in this Grace. Moderation is a quality that lyes in the mind, and how this will be found out, I cannot so readily guess. If a Standard had been given of Opinions or Practices, then one could have known how this might have been distinguished; but as it lies, it will not be easy to make the Discrimination; and the declaring them all immoderate, shuts them out quite.

VI. Another Foundation laid down for repealing all Laws made against the Papists, is, That they were Enacted in King *James* the Sixth's Minority: with some harsh expressions, that are not to be insisted on, since they shew more the heat of the Penner, than the Dignity of the Prince, in whose name they are given out: But all these Laws were ratified over and over again by King *James*, when he came to be of full Age: and they have received many Confirmations by King *Charles* the First, and King *Charles* the Second, as well as by his present Majesty, both when he represented his Brother in the Year 1681, and since he himself came to the Crown: so that whatsoever may be said concerning the first Formation of those Laws, they have received now for the course of a whole hundred Years, that are lapsed since King *James* was full of Age, so many Confirmations, that if there is any thing certain in Humane Government, we might depend upon them; but this new coined *Absolute Power* must carry all before it.

VII. It is also well known, that the whole Settlement of the Church Lands and Tythes, with many other things, and more particularly the Establishment of the Protestant Religion, was likewise enacted in King *James*'s minority, as well as those Penal Laws: so that the Reason now made use of, to annul the penal Laws, will serve full as well for another Act of this *Absolute Power*, that shall abolish all those; and if Maxims that unhinge all the Securities of Human Society, and all that is sacred in Government, ought to be lookt on with the justest and deepest prejudices possible, one is tempted to lose the respect that is due to every thing that carries a Royal Stamp upon it, when he sees such grounds made use of, as must shake all Settlements whatsoever; for if a prescription of 120 Years, and Confirmations reiterated over and over again these 100 Years past, do not purge some Defects in the first Formation of those Laws, what can make us secure. But this looks so like a fetch of the *French* Prerogative Law, both in their Processes with Relation to the Edict of *Nantes*, and those concerning Dependences at *Metz*, that this seems to be a Copy from that famous Original.

VIII. It

VIII. It were too much ill nature to look into the History of the last Age, to examine on what grounds those Characters of *Pious* and *Blessed* given to the Memory of *Q. Mary* are built, but since *K. James's* Memory has the Character of *Glorious* given to it, if the Civility of the fair Sex makes one unwilling to look into one, yet the other may be a little dwelt on. The peculiar Glory that belongs to *K. James's* Memory, is, that he was a Prince of great Learning, and that he employed it chiefly in writing for his Religion: of the Volume in Folio in which we have his Works, two thirds are against the Church of *Rome*, one part of them is a Commentary on the Revelation, proving that the Pope is Antichrist; another part of them belonged more naturally to his Post Dignity; which is the warning that he gave to all the Princes and States of *Europe*, against the Treasonable and Bloody Doctrines of the Papacy. The first Act he did when he came of Age, was to swear in Person with all his Family, and afterwards with all his People of *Scotland*, a Covenant, containing an Enumeration of all the points of Popery, and a most solemn Renunciation of them, somewhat like our Parliament Test: his first Speech to the Parliament of *England* was Copious on this Subject; and he left a Legacy of a Wish on such of his Posterity as should go over to that Religion, which in good manners is suppressed. It is known, *K. James* was no Conquerour, and that he made more use of his Pen than his Sword: so the Glory that is peculiar to his Memory, must fall chiefly on his Learned and Immortal Writings: and since there is such a Veneration expressed for him, it agrees not ill with this, to wish, that his Works were more studied by those who offer such Incense to his *Glorious* Memory.

IX. His Majesty assures his People of *Scotland*, upon a certain Knowledge and long Experience, that the Catholicks, as they are good Christians, so they are likewise dutiful Subjects: but if we must believe both these equally, then we must conclude severely against their being Good Christians; for we are sure they can never be good Subjects, not only to a Heretical Prince if he does not extirpate Hereticks; for their beloved Council of the Lateran, that decreed Transubstantiation, has likewise decreed, that if a Prince does not extirpate Hereticks out of his Dominions, the Pope must depose him, and declare his Subjects absolved from their Allegiance, and give his Dominions to another: so that even his Majesty, how much soever he may be a Zealous Catholick, yet he cannot be assured of their fidelity to him, unless he has given them secret assurances, that he is resolved to extirpate Hereticks out of his Dominions; and that all the Promises which he now makes to these poor wretches, are no other way to be kept, than the Assurances which the Great *Lewis* gave to his Protestant Subjects, of his observing still the Edict of *Nantes*, even after he had resolved to break it, and also his last promise made in the Edict, that repealed the Edict of *Nantes*, by which he gave Assurances that no violence should be used to any for their Religion, in the very time that he was ordering all possible Violences to be put in execution against them.

X. His Majesty assures us, that on all Occasions the Papists have shewed themselves good and faithful Subjects to him and his Royal Predecessors; but how *Absolute* soever the King's Power may be, it seems his Knowledge of History is not so Absolute, but it may be capable of some Improvement. It will be hard to find out what Loyalty they shewed on the Gunpowder Plot, or during the whole progress of the Rebellion of *Ireland*; if the King will either take the words of *King James* of *Glorious* Memory, or *K. Charles* the first, that was indeed of *pious* and *blessed* Memory, rather than the penners of this Proclamation, it will not be hard to find Occasions where they were a little wanting in this their so much boasted Loyalty: and we are sure, that by the Principles of that Religion, the King can never be assured of the Fidelity of those he calls his Catholick Subjects, but by engaging to them to make his Heretical Subjects Sacrifices to their Rage.

XI. The King declares them capable of all the Offices and Benefices which he shall think fit to bestow on them, and only restrains them from invading the Protestant Churches by force: so that here a door is plainly opened for admitting them to the Exercise of their Religion in Protestant Churches, so they do not break into them by force; and whatsoever may be the Sense of the term *Benefice* in its antient and first signification, now it stands only for Church Preferments; so that when any Churches, that are at the King's Gift, fall vacant, here is a plain intimation, that they are to be provided to them; and then it is very probable, that all the Laws made against such as go not to their parish Churches, will be severely turned upon those that will not come to Mass.

XII. His Majesty does in the next place, in the vertue of his *Absolute Power*, Annul a great many Laws, as well those that Established the Oaths of Allegiance and Supremacy, as the late Test, enacted by himself in person, while he represented his Brother: upon which he gave as strange an Essay to the World of his absolute Justice in the At-

tairder of the late Earl of *Argile*, as he does now of his *Absolute Power* in condemning the Test it self; he also repeals his own Confirmation of the Test, since he came to the Crown, which he offered as the clearest Evidence that he could give of his Resolution to maintain the Protestant Religion, and by which he gained so much upon that Parliament, that he obtained every thing from them that he desired of them; till he came to try them in the Matters of Religion. This is no Extraordinary Evidence to assure his People, that his Promises will be like the Laws of the *Medes* and *Persians*, which alter not; nor will the disgrace of the Commissioner that Enacted that Law, lay this matter wholly on him; for the Letter, that he brought, the Speech that he made, and the Instructions which he got, are all too well known to be so soon forgotten; and if Princes will give their Subjects reason to think, that they forget their Promises, as soon as the turn is served for which they were made, this will be too prevailing a Temptation on the Subjects to mind the Princes promise as little as it seems he himself does, and will force them to conclude, that the Truth of the Prince, is not so absolute as it seems he fancies his Power to be.

XIII. Here is not only a repealing of a great many Laws, and established Oaths and Tests, but by the Exercise of the *Absolute Power*, a new Oath is imposed, which was never pretended to by the Crown in any former time, and as the Oath is Created by this *Absolute Power*, so it seems the *Absolute Power* must be supported by this Oath: since one branch of it, is an Obligation to maintain his Majesty and his Lawful Successors in the Exercise of this their *Absolute Power* and *Authority* against all deadly, which I suppose is *Scotch* for Mortals: now to impose so hard a yoke as this *Absolute Power* on the Subject, seems no small stretch; but it is a wonderful exercise of it to oblige the Subjects to defend this: it had been more modest, if they had been only bound to bear it, and submit to it: but it is a terrible thing so far to extinguish all the remnants of natural Liberty, or of a Legal Government, as to oblige the Subjects by Oath to maintain the Exercise of this, which plainly must destroy themselves: for the short execution by the Bow-strings of *Turkey*, or by sending Orders to Men to return in their Heads, being an Exercise of this *Absolute Power*, it is a little too hard to make men swear to maintain the King in it, and if that Kingdom has suffered so much by the many Oaths that have been in use among them, as is marked in his Proclamation, I am afraid this new Oath will not much mend the matter.

XIV. Yet after all, there is some Comfort; his Majesty assures them, he will use no Violence nor Force, nor any *Invincible Necessity* to any man on the account of his persuasion: It were too great a want of respect to fancy, that a time may come in which even this may be remembred, full as well, as the promises that were made to the Parliament after his Majesty came to the Crown; I do not I confess, apprehend that; for I see here so great a Caution used in the choice of these words, that it is plain, very great Severities may very well consist with them: It is clear, that the general words of Violence and Force are to be determined by the last *Invincible Necessity*, so that the King does only promise to lay no *Invincible Necessity* on his Subjects; but for all Necessities that are not *Invincible*, it seems they must bear a large share of them; Disgraces, want of employments, Fines and Imprisonments, and even Death it self are all vincible things to a man of a firmness of mind: so that the Violences of Torture, the Furies of Dragoons, and some of the Methods now practised in *France*, perhaps may be included within this Promise; since these seem almost *Invincible* to Humane Nature, if it is not fortified with an Extraordinary measure of Grace: but as to all other things, his Majesty binds himself up from no part of the Exercise of his *Absolute Power* by this Promise.

XV. His Majesty Orders this to go Immediately to the Great Seal, without passing through the other Seals: now since this is Counter-signed by the Secretary in whose hands the Signet is, there was no other step to be made but through the Privy Seal; so I must own I have a great Curiosity of knowing his Character in whose hands the Privy Seal is at present; for it seems his Conscience is not so very supple, as the Chancellors and the Secretaries are; but it is very likely, if he does not quickly change his Mind, the Privy Seal at least will quickly change his Keeper; and I am sorry to hear, that the Lord Chancellor and Secretary have not another Brother to fill this post, that so the guilt of the ruine of that Nation, may lie on one single Family, and that there may be no others involved in it.

XVI. Upon the whole matter many smaller things being waved, it being extremely unpleasant to find fault, where one has all possible dispositions to pay all respect; we here in *England* see what we must look for. A Parliament in *Scotland* was try'd, but it proved a little stubborn; and now *Absolute Power* comes to set all right; so when the Closetting has gone round, so that Noses are counted, we may perhaps see a Parliament here; but if it chances to be untoward, and not to Obey without Reserve, then our



our Reverend Judges will copy from *Scotland*, and will not only tell us of the King's Imperial Power, but will discover to us this new Mystery of *Absolute Power*, to which we are all bound to Obey without Reserve.

*These Reflections refer in so many places to some words in the Proclamation, that it was thought necessary to set them near one another, that the Reader may be able to Judge, whether he is deceived by any false Quotations or not.*

## By the King. A PROCLAMATION.

JAMES R.

**J**AMES the Seventh by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, &c. To all and sundry our good Subjects, whom these presents do or may concern, Greeting. We have taken into our Royal Consideration the many and great inconveniencies which have happened to that our Ancient Kingdom of Scotland of late years, through the different persuasions in the Christian Religion, through the great Heats and Animosities amongst the several Professors thereof, to the ruin and decay of Trade, wasting of Lands, extinguishing of Charity, contempt of the Royal Power: and converting of true Religion, and the Fear of God, into Animosities, Names, Fractions, and sometimes into Sacrilege and Treason. And being resolved as much as in us lies, to Unite the Hearts and Affections of Our Subjects, to GOD in Religion, to Us in Loyalty, and to their Neighbours in Christian Love and Charity. Have therefore thoughte fit to Grant, and by our Sovereign Authority, Prerogative Royal, and *Absolute Power*, which all our Subjects are to Obey without Reserve; Do hereby give and grant Our Royal Toleration, to the several Professors of the Christian Religion after named, with, and under the several Conditions, Restrictions, and Limitations after-mentioned. In the first place, We Allow and Tolerate the Moderate Presbyterians to Meet in their Private Houses, and there to hear all such Ministers, as either have, or are willing to accept of Our Indulgence allannerly, and none other, and that there be not any thing said or done contrary to the Well and Peace of Our Reign, Seditious or Treasonable, under the highest Pains these Crimes will import; nor are they to presume to Build Meeting-Houses, or to use Out-Houses or Barns, but only to Exercise in their Private Houses, as said is: In the mean time, it is our Royal Will and Pleasure, that Field-Conventicles, and such as Preach, or Exercise at them, or who shall any ways assist or connive at them, shall be prosecuted according to the utmost Severity of our Laws made against them, seeing from these Rendezvous of Rebellion, so much Disorder hath proceeded, and so much Disturbance to the Government, and for which after this Our Royal Indulgence for tender Consciences there is no Excuse left. In like manner, we do hereby tolerate Quakers to meet and Exercise in their Form, in any place or places appointed for their Worship. And considering the Severe and Cruel Laws made against *Roman Catholicks* (therein called *Papists*) in the Minority of Our Royal Grand-Father of *Glorious Memory*, without His Consent, and contrary to the Duty of good Subjects, by His Regents, and other Enemies to their Lawful Sovereigns Our Royal Great Grand-Mother Queen *Mary* of Blessed and Pious Memory, wherein, under the pretence of Religion, they clothed the worst of Treasons, Factions, and Usurpations, and made these Laws, not as against the Enemies of GOD, but their own; which Laws have still been continued of course without design of executing them, or any of them, *ad terrorem* only, on Supposition, that the *Papists* relying on an External Power, were incapable of Duty, and true Allegiance to their Natural Sovereign, and Rightful Monarchs; We of Our certain Knowledge, and long Experience, knowing that the *Catholicks*, as it is their Principle to be good *Christians*, so it is to be dutiful Subjects; and that they have likewise on all Occasions shewn themselves Good and Faithful Subjects to Us, and our Royal Predecessors, by hazarding, and many of them actually losing their Lives and Fortunes, in their Defence (though of another Religion) and the Maintenance of their Authority against the Violences and Treasons of the most violent Abettors of these Laws: Do therefore with Advice and Consent of Our Privy Council, by Our Sovereign Authority, Prerogative Royal, and *Absolute Power*, aforesaid, Suspend, Stop, and disable all Laws or Acts of Parliament, Customs or Constitutions, made or executed against any of our *Roman Catholick* Subjects, in any time past, to all intents and purposes, making void all Prohibitions therein mentioned, pains or penalties therein ordained to be inflicted, so that they shall in all things be as free in all Respects whatsoever, not only to Exercise their Religion, but to enjoy all Offices, Benefices, and others, which We shall think fit to bestow upon them in all time coming: Nevertheless, it is our Will and Pleasure, and we do hereby commend all *Catholicks* at their highest Pains, only to Exercise their Religions Worship in Houses or Chappels; and that they presume not to Preach in the open Fields, or to invade the Protestant Churches by force, under

under the pains aforesaid, to be inflicted upon the Offenders respectively; nor shall they presume to make Publick Processions in the High-Streets of any of Our Royal Burghs, under the Pains above mentioned. And whereas the Obedience and Service of our good Subjects is due to Us by their Allegiance, and Our Sovereignty, and that no Law, Custom, or Constitution, Difference in Religion, or other Impediment whatsoever, can exempt or discharge the Subjects from their Native Obligations and Duty to the Crown, or hinder us from Protecting and Employing them, according to their several Capacities, and Our Royal Pleasure; nor Restrain Us from Conferring Heretable Rights and Priviledges upon them, or vacate or annul these Rights Heretable, when they are made or conferred; And likewise considering, that some Oaths are capable of being wrested by men of sinister Intentions, a practice in that Kingdom fatal to Religion as it was to Loyalty; Do therefore, with Advice and Consent aforesaid, Caus, Annul and Discharge all Oaths whatsoever, by which any of Our Subjects are incapacitated, or disabled from holding Places, or Offices in our said Kingdom, or enjoy their Hereditary Right and Priviledges, discharging the same to be taken or given in any time coming, without Our special Warrant and Consent, under the pains due to the Contempt of Our Royal Commands and Authority. And to this effect, We do by Our Royal Authority aforesaid, Stop, Disable, and Dispense with all *Laws* enjoying the said *Oaths, Tests*, or any of them, particularly the first Act of the first Session of the first Parliament of King Charles the Second; the Eleventh Act of the foresaid Session of the foresaid Parliament, the sixth Act of the third Parliament of the said King Charles; the twenty first and twenty fifth Acts of that Parliament, and the thirteenth Act of the first Session of \* Our late Parliament, in so far allanerly as concerns the taking the *Oaths or Tests* therein prescrib'd, and all others, as well not mentioned as mentioned, and that in place of them, all our good Subjects, or such of them as We or our Privy Council shall require so to do, shall take and swear the following Oath allanerly.

*I A. B. do acknowledge, testifie and declare, that JAMES the Seventh, by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, &c. is rightful King and Supream Governour of these Realms, and over all persons therein; and that it is unlawful for Subjects, on any pretence, or for any cause whatsoever, to rise in Arms against Him, or any Commissionated by Him; and that I shall never so rise in Arms, nor assist any who shall so do; and that I shall never resist His Power or Authority, nor ever oppose His Authority to His Person, as I shall answer to God; but shall to the utmost of my power Assist, Defend, and Maintain Him, His Heirs and Lawfull Successors, in the Exercise of their Absolute Power and Authority against all Deadly. So help me God.*

And seeing many of Our good Subjects have before Our pleasure in these Matters was made publick, incurred the Guilt appointed by the Acts of Parliament above-mentioned, or others; We, by Our Authority, and Absolute Power and Prerogative Royal above-mentioned, of Our certain Knowledge, and innate Mercy, give Our ample and full Indemnity to all those of the Roman Catholick or Popish Religion, for all things by them done contrary to Our Laws, or Acts of Parliament, made in any time past, relating to their Religion, the Worship and Exercise thereof, or for being Papists, Jesuits, or Traffickers, for hearing, or saying of Mass, concealing of Priests or Jesuits, breeding their Children Catholicks at home or abroad, or any other thing, Rite or Doctrine, said, performed, or maintained by them, or any of them: And likewise, for holding or taking of Places, Employments, or Offices, contrary to any Law or Constitution, Advices given to Us, or our Council, Actions done, or generally any thing perform'd or said against the known Laws of that Our Ancient Kingdom: Excepting always from this Our Royal Indemnity, all Murthers, Assassinations, Thefts, and such like other Crimes, which never used to be comprehended in Our General Acts of Indemnity. And We command and require all Our Judges, or others concerned, to explain this in the most ample Sense and Meaning Acts of Indemnity at any time have contained: Declaring this shall be as good to every one concerned, as if they had Our Royal Pardon and Remission under Our Great Seal of that Kingdom. And likewise indemnifying Our Protestant Subjects from all pains and penalties due for hearing or preaching in Houses; providing there be no Treasonable Speeches uttered in the said Conventicles by them, in which case the Law is only to take place against the Guilty, and none other present; providing also, that they Reveal to any of Our Council the Guilt so committed: As also, excepting all Fines, or Effects of Sentences already given. And likewise Indemnifying fully and freely all Quakers, for their Meetings and Worship, in all time past, preceeding the publication of these presents. And we doubt not but Our Protestant Subjects will give their Assistance and Concourse hereunto, on all Occasions, in their Respective Capacities. In consideration whereof, and the ease those of Our Religion, and others may have hereby, and for the Encouragement of Our Protestant

Bishops, and the Regular Clergy, and such as have hitherto lived orderly, We think fit to declare, that it never was Our Principle, nor will We ever suffer Violence to be offered to any Man's Conscience, nor will We use Force, or *Invincible Necessity* against any Man on the account of his Perswasion, nor the Protestant Religion, but will protect Our Bishops and other Ministers in their Functions, Rights and Properties, and all Our Protestant Subjects in the free Exercise of their Protestant Religion in the Churches. And that We will, and hereby promise, on Our Royal Word, to maintain the possessors of Church Lands formerly belonging to Abbeyes, or other Churches of the Catholick Religion, in their full and free possession and right, according to Our Laws and Acts of Parliament in that behalf in all time coming. And We will imploy indifferently all our Subjects of all Perswasions, so as none shall meet with any Discouragement on the account of his Religion, but be advanced, and esteemed by Us, according to their several Capacities and Qualifications, so long as We find Charity and Unity maintained. And if any Animosities shall arise, as We hope in God there will not, We will shew the severest Effects of Our Royal Displeasure against the Beginners or Fomenters thereof, seeing thereby Our Subjects may be deprived of this general Ease and Satisfaction, We intend to all of them, whose Happiness, Prosperity, Wealth and Safety, is so much Our Royal Care, that We will leave nothing undone which may procure these Blessings for them. And lastly, to the End all our good Subjects may have Notice of this Our Royal Will and Pleasure, We do hereby command, Our Lyon King at Arms, and his Brethren Heralds, Maces, Pursevants and Messengers at Arms, to make timorous Proclamation thereof at the Marcat-Crofs of *Edinburgh*; And besides the printing and Publishing of this Our Royal Proclamation, it is Our expresse Will and Pleasure, that the same be *past under the great Seal of that Our Kingdom per saltum*, \* without passing any other Seal or Register. In Order whereunto, this shall be to the Directors of Our Chancelary, and their Deputies for writing the same, and to Our Chancellor for causing our Great Seal aforesaid, to be appended thereunto, a sufficient Warrant.

Given at Our Court at Whitehall the twelfth day of Febr. 1686. and of Our Reign the Third Year.

By His Majesties Command

MELFORT.

God save the King.

*His Majesties Gracious DECLARATION to all His Loving Subjects for Liberty of Conscience.*

JAMES R.

IT having pleased Almighty God not only to bring Us to the Imperial Crown of these Kingdoms through the greatest difficulties, but to preserve Us by a more than ordinary Providence upon the Throne of Our Royal Ancestors, there is nothing now that we so earnestly desire, as to Establish our Government on such a Foundation, as may make Our Subjects happy, and unite them to Us by Inclination as well as by Duty; Which We think can be done by no Means so effectually, as by granting to them the free Exercise of their Religion for the time to come, and add that to the perfect Enjoyment of their Property, which has never been in any case Invaded by Us since Our coming to the Crown: Which being the two things Men value most, shall ever be preserved in these Kingdoms, during Our Reign over them, as the truest Methods of their Peace and Our Glory. We cannot but heartily wish, as it will easily be believed, That all the People of Our Dominions were Members of the Catholick Church, yet We humbly thank Almighty God, it is, and hath of long time been Our constant Sense and Opinion (which upon diverse Occasions We have Declared) That Conscience ought not to be constrained, nor People forced in Matters of meer Religion: It has ever been directly contrary to Our Inclination, as We think it is to the Interest of Government, which it destroys by Spoiling Trade, Depopulating Countries, and Discouraging Strangers; and finally, that it never obtained the End for which it was employed: And in this We are the more confirmed by the Reflections We have made upon the Conduct of the Four last Reigns. For after all the frequent and pressing Endeavours that were used in each of them, to reduce this Kingdom to an exact Conformity in Religion, it is visible the Success has not answered the Design, and that the Difficulty is invincible. We therefore out of Our Princely Care and Af-

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## Declaration for Liberty of Conscience.

fection unto all Our Loving Subjects, that they may live at Ease and Quiet, and for the increase of Trade, and encouragement of Strangers, have thought fit by virtue of Our Royal Prerogative, to Issue forth this Our Royal Declaration of Indulgence; making no doubt of the Concurrence of Our Two Houses of Parliament, when We shall think it convenient for them to Meet.

In the first place We do Declare, That We will Protect and Maintain Our Arch-Bishops, Bishops, and Clergy, and all other our Subjects of the Church of *England*, in the free Exercise of their Religion, as by Law Established, and in the quiet and full Enjoyment of all their Possessions, without any Molestation or Disturbance whatsoever.

We do likewise Declare, That it is Our Royal Will and Pleasure, That from henceforth the Execution of all and all manner of Penal Laws in Matters Ecclesiastical, for not coming to Church, or not Receiving the Sacrament, or for any other Non-conformity to the Religion Established, or for or by reason of the Exercise of Religion in any manner whatsoever, be immediately Suspended; And the further Execution of the said Penal Laws and every of them is hereby Suspended.

And to the end that by the Liberty hereby Granted, the Peace and Security of Our Government in the Practice thereof may not be endangered, We have thought fit, and do hereby straitly Charge and Command all Our Loving Subjects, That as We do freely give them Leave to Meet and Serve God after their own Way and Manner, be it in private Houses, or Places purposely Hired or Built for that use: So that they take especial care, that nothing be Preached or Taught amongst them which may any ways tend to Alienate the Hearts of Our people from Us or Our Government; and that their Meetings and Assemblies be peaceably, openly, and publickly held, and all Persons freely admitted to them; And that they do signify and make known to some one or more of the next Justices of the Peace, what place or places they set apart for those uses.

And that all Our Subjects may enjoy such their Religious Assemblies with greater Assurance and Protection, We have thought it Requisite, and do hereby Command, That no Disturbance of any kind be made or given unto them, under pain of our Displeasure, and to be further proceeded against with the uttermost Severity.

And forasmuch as We are desirous to have the Benefit of the Service of all Our Loving Subjects, which by the Law of Nature is inseparably annexed to, and inherent in Our Royal Person; And that none of Our Subjects may for the future be under any Discouragement or Disability (who are otherwise well inclined and fit to serve Us) by reason of some Oaths or Tests, that have been usually Administred on such Occasions: We do hereby further Declare, That it is Our Royal Will and Pleasure, That the Oaths commonly called, *The Oaths of Supremacy and Allegiance*, and also the several Tests and Declarations mentioned in the Acts of Parliament made in the 25th and 30th Years of the Reign of Our late Royal Brother King *Charles the Second*, shall not at any time hereafter be required to be Taken, Declared, or Subscribed by any person or persons whatsoever, who is or shall be Employed in any Office or Place of Trust, either Civil or Military, under Us or in Our Government. And We do further Declare it to be Our Pleasure and Intention from time to time hereafter, to Grant Our Royal Dispensations under Our Great Seal to all our Loving Subjects so to be Employed, who shall not take the said Oaths, or Subscribe or declare the said Tests or Declarations in the abovementioned Acts and every of them.

And to the end that all Our Loving Subjects may receive and enjoy the full Benefit and Advantage of Our Gracious Indulgence hereby intended, and may be Acquitted and Discharged from all Pains, Penalties, Forfeitures, and Disabilities by them or any of them incurred or forfeited, or which they shall or may at any time hereafter be liable to, for or by reason of their Non-conformity, or the Exercise of their Religion, and from all Suits, Troubles, or Disturbances for the same: We do hereby give Our Free and Ample Pardon unto all Non-conformists, Recusants, and other Our Loving Subjects, for all Crimes and Things by them committed or done contrary to the Penal Laws formerly made relating to Religion, and the Profession or Exercise thereof, Hereby Declaring, That this Our Royal pardon and Indemnity shall be as Good and Effectual to all intents and purposes, as if every individual person had been therein particularly named, or had particular Pardons under Our Great Seal, which We do likewise Declare shall from time to time be Granted unto any person or persons desiring the same: Willing and Requiring Our Judges, Justices, and other Officers, to take Notice of and Obey Our Royal Will and Pleasure herein before Declared.

And although the Freedom and Assurance We have hereby given in relation to Religion and Property, might be sufficient to remove from the Minds of Our Loving Subjects all Fears and Jealousies in relation to either; yet We have thought fit further

ther to Declare, That We will Maintain them in all their Properties and Possessions, as well of Church and Abby-Lands, as in any other their Lands and Properties whatsoever.

Given at our Court at Whitehall, the Fourth Day of April, 1687. In the Third Year of Our Reign.

By His Majesties Special Command.

A LETTER, containing some Reflections on His Majesties Declaration for Liberty of Conscience, Dated the Fourth of April, 1687.

SIR,

I. I Thank you for the Favour of sending me the late Declaration that His Majesty has granted for *Liberty of Conscience*. I confess, I longed for it with great Impatience, and was surprised to find it so different from the Scotch Pattern; for I imagined, that it was to be set to the second part of the same tune: nor can I see why the Penners of this have sunk so much in their stile; for I suppose the same Men penned both. I expected to have seen the Imperial Language of *Absolute Power*, to which all the Subjects are to Obey without reserve; and of the *Cassing, Annulling, the stopping and disabling of Laws* set forth in the Preamble and body of this Declaration: whereas those dreadful words are not to be found here: for instead of *Repealing the Laws*, his Majesty pretends by this only to *Suspend them*; and though in effect this amounts to a *Repeal*, yet it must be confessed that the words are softer. Now since the *Absolute Power*, to which his Majesty pretends in *Scotland*, is not founded on such poor things as *Law*; for that would look as if it were the gift of the People; but on the Divine Authority, which is supposed to be delegated to his Majesty, this may be as well claimed in *England* as it was in *Scotland*: and the pretensions to *Absolute Power* is so great a thing, that since his Majesty thought fit once to claim it, he is little beholding to those that make him fall so much in his Language, especially since both these Declarations have appeared in our *Gazettes*; so that as we see what is done in *Scotland*, we know from hence what is in some peoples hearts, and what we may expect in *England*.

II. His Majesty tells his people, that the perfect Injoyment of their Property has never been in any Case invaded by him since his coming to the Crown. This is indeed matter of great Incouragement to all good Subjects; for it lets them see that such Invasions as have been made on Property, have been done without his Majesties knowledge: so that no doubt the continuing to levy the *Customs* and the *Additional Excise* (which had been granted only during the late King's Life,) before the Parliament could meet to renew the Grant, was done without his Majesties knowledge; the many Violences committed not only by *Soldiers*, but *Officers*, in all the parts of *England*, which are severe Invasions on Property, have been all without his Majesties knowledge; and since the first Branch of Property is the Right that a man has to his Life, the strange Essay of *Mahometan Government*, that was shewed at *Taunton*; and the no less strange proceedings of the present Lord Chancellor, in his Circuit after the Rebellion (which are very justly called his Campaigne, for it was an open Act of Hostility to all Law) and for which and other Services of the like nature, it is believed he has had the reward of the great Seal, and the Executions of those who have left their Colours, which being founded on no Law, are no other than so many murders; all these, I say, are as we are sure, Invasions on Property; but since the King tells us, that no such Invasions have been made since he came to the Crown, we must conclude that all these things have fallen out without his privity. And if a standing Army, in time of Peace, has been ever lookt on by this Nation as an Attempt upon the whole Property of the Nation in gross, one must conclude, that even this is done without his Majesties knowledge.

III. His Majesty expresses his Charity for us in a kind wish, that we were all Members of the Catholick Church; in return to which we offer up daily our most earnest Prayers for him, that he may become a Member of the truly Catholick Church: for Wishes and Prayers do no hurt on no side: but his Majesty adds, that it has ever been his Opinion, that Conscience ought not to be constrain'd, nor people forced in matters of meer Religion. We are very happy if this continues to be always his sense: but we are sure in this he is no Obedient Member of that which he means by the Catholick Church: for it has over and over again decreed the Extirpation of Hereticks. It encourages Princes to it, by the Offer of the pardon of their Sins; it threatens them to it;

it, by denouncing to them not only the Judgments of God, but that which is more sensible, the loss of their Dominions: and it seems they intend to make us know that part of their Doctrine even before we come to feel it, since tho' some of that Communion would take away the horror which the Fourth Council of the *Lateran* gives us, in which these things were decreed, by denying it to be a General Council, and rejecting the Authority of those Canons, yet the most learned of all the *Apostates* that has fallen to them from our Church, has so lately given up this Plea, and has so formally acknowledged the Authority of that Council, and of its Canons, that it seems they think they are bound to this piece of fair dealing, of warning us before hand of our Danger. It is true *Bellarmin* says, "The Church does not always execute the Power of Deposing Heretical Princes, tho' she always retains it: one Reason that he assigns, is, "Because she is not at all times able to put it in Execution: so the same reason may perhaps make it appear unadvisable to Extirpate Hereticks, because that at present it cannot be done; but the Right remains intire, and is put in execution in such an unrelenting manner in all places where that Religion prevails, that it has a very ill Grace, to see any Member of that Church speak in this strain; and when neither the Policy of *France*, nor the Greatness of their Monarch, nor yet the Interests of the Emperor, joyned to the Gentleness of his own temper, could withstand these Bloody Councils, that are indeed parts of that Religion, we can see no reason to induce us to believe that a Toleration of Religion is proposed with any other design but either to divide us, or to lay us asleep till it is time to give the Alarm for destroying us.

IV. If all the Endeavours, that have been used in the last four Reigns, for bringing the Subjects of this Kingdom to an Unity in Religion have been ineffectual, as His Majesty says; we know to whom we owe both the first beginnings, and the progress of the Divisions among our selves; the gentleness of Queen *Elizabeth's* Government, and the numbers of those that adhered to the Church of *Rome*, made it scarce possible to put an end to that Party during her Reign, which has been ever since restless, and has had Credit enough at Court during the three last Reigns, not only to support itself, but to distract us, and to divert us from apprehending the danger of being swallowed up by them, by fomenting our own Differences, and by setting on either a Toleration or a Persecution, as it has happened to serve their Interests. It is not so very long since, that nothing was to be heard at Court but the supporting the Church of *England*, and the Extirpating all the Nonconformists: and it were easie to name the persons, if it were decent, that had this in their mouths; but now all is turned round again, the Church of *England* is in Disgrace; and now the Encouragement of Trade, the Quiet of the Nation, and the Freedom of Conscience are again in Vogue, that were such odious things but a few Years ago, that the very mentioning them was enough to load any Man with Suspensions as backward in the King's Service; while such Methods are used, and the Government as if in an Ague, divided between hot and cold fits, no wonder if Laws so unsteadily executed have failed of their effect.

V. There is a good reserve here left for Severity, when the proper Opportunity to set it on presents it self: for his Majesty declares himself only against the forcing of men in matters of meer Religion: so that whensoever Religion and Policy come to be so interwoven, that meer Religion is not the Case, and that publick Safety may be pretended, then this Declaration is to be no more claimed: so that the fastning any thing upon the Protestant Religion, that is inconsistent with the publick Peace, will be pretended to shew that they are not persecuted for meer Religion. In *France*, when it was resolved to extirpate the Protestants, all the Discourses that were written on that Subject were full of the Wars occasioned by those of the Religion in the last Age, tho' as these was the happy occasions of bringing the House of *Bourbon* to the Crown, they had been ended above 80 Years ago, and there had not been so much as the least Tumult raised by them these 50 Years past: so that the *French* who have smarted under this Severity, could not be charged with the least Infraction of the Law; yet Stories of a hundred years old were raised up to inspire into the King those Apprehensions of them, which have produced the terrible effects that are visible to all the World. There is another Expression in this Declaration, which lets us likewise see with what Caution the Offers of favour are now worded, that so there may be an Occasion given when the time and Conjunction shall be favourable to break through them all: it is in these words, So that they take especial Care that nothing be preached or taught amongst them, which may any ways tend to alienate the hearts of our People from Us or Our Government. This in itself is very reasonable; and could admit of no Exception, if we had not to do with a set of men, who to our great Misfortune have so much Credit with His Majesty, and who will be no sooner lodged in the Power to which they pretend, then they will make every thing that is preached against Popery pass for that which may in some manner alienate the Subjects from the King.

VI. His



VI. His Majesty makes no doubt of the Concurrence of his Two Houses of Parliament, when he shall think it convenient for them to meet. The hearts of Kings are unsearchable, so that it is a little too presumptuous to look into his Majesties secret thoughts: but according to the Judgments that we would make of other mens thoughts by their Actions, one would be tempted to think, that his Majesty made some doubt of it, since his Affairs both at home and abroad could not go the worse, if it appeared that there was a perfect understanding between him and His Parliament, and that his people were supporting him with fresh Supplies; and this House of Commons is so much at his Devotion, that all the World saw how ready they were to grant every thing that he could desire of them, till he began to lay off the Mask with relation to the Test, and since that time the frequent Prorogations, the Closetting, and the pains that has been taken to gain Members, by Promises made to some, and the Disgraces of others, would make one a little inclined to think, that some doubt was made of their Concurrence. But we must confess, that the depth of his Majesties Judgment is such, that we cannot fathom it, and therefore we cannot guess what his Doubts or his Assurances are. It is true, the words that come after unriddle the Mystery a little, which are, when his Majesty shall think it convenient for them to meet: for the meaning of this seems plain, that His Majesty is resolved that they shall never meet, till he receives such Assurances, in a new round of Closetting, that he shall be put out of doubt concerning it.

VII. I will not enter into the Dispute concerning Liberty of Conscience, and the Reasons that may be offered for it to a Session of Parliament; for there is scarce any one point, that either with relation to Religion, or Politicks, affords a greater variety of matter for Reflection: and I make no doubt to say, that there is abundance of Reason to oblige Parliaments to review all the Penal Laws, either with relation to Papists, or to Dissenters: but I will take the boldness to add one thing, that the King's Suspending of Laws strikes at the root of this whole Government, and subverts it quite: for if there is any thing certain with relation to English Government, it is this that the Executive Power of the Law is entirely in the King; and the Law to fortify him in the Management of it has clothed him with a vast Prerogative, and made it unlawful on any pretence whatsoever to resist him: whereas on the other hand, the *Legislative Power* is not so entirely in the King, but that the Lords and Commons have such a share in it, that no Law can either be made, repealed, or which is all one suspended, but by their consent; so that the placing this *Legislative Power* singly in the King, is a subversion of this whole Government, since the Essence of all Governments consists in the Subjects of the Legislative Authority, Acts of Violence or Injustice, committed in the Executive part, are such things that all Princes being subject to them, the peace of mankind were very ill secured if it were not unlawful to resist upon any pretence taken from any ill Administrations, in which as the Law may be doubtful, so the Facts may be uncertain, and at worst the publick Peace must always be more valued than any private Oppressions or Injuries whatsoever. But the total Subversion of a Government, being so contrary to the Trust that is given to the Prince who ought to execute it, will put men upon uneasie and dangerous Inquiries: which will turn little to the Advantage of those who are driving matters to such a doubtful and desperate Issue.

VIII. If there is any thing in which the Exercise of the *Legislative Power* seems indispensable, it is in those Oaths of Allegiance and Tests, that are thought necessary to Qualifie men either to be admitted to enjoy the protection of the Law, or to bear a share in the Government; for in these the Security of the Government is chiefly concerned; and therefore the total Extinction of these, as it is not only a Suspension of them, but a plain repealing of them, so it is a Subverting of the whole Foundation of our Government: For the Regulation that King and Parliament had set both for the Subjects having the protection of the State by the Oath of Allegiance, and for a share in the places of Trust by the Tests, is now pluckt up by the roots; when it is declared, That these shall not at any time hereafter be required to be taken or subscribed by any persons whatsoever: for it is plain, that this is no Suspension of the Law, but a formal repeal of it, in as plain words as can be conceived.

IX. His Majesty says, that the Benefit of the Service of all his Subjects is by the Law of Nature inseparably annexed to and inherent in his Sacred Person. It is somewhat strange, that when so many Laws, that we all know are suspended, the Law of Nature, which is so hard to be found out, should be cited; but the Penners of this Declaration had best let that Law lie forgotten among the rest; and there is a scurvy Paragraph in it concerning Self-Preservation, that is capable of very unacceptable

Glosses. It is hard to tell what Section of the Law of Nature has markt either such a Form of Government, or such a Family for it. And if his Majesty renounces his Pretensions to our Allegiance as founded on the Laws of *England*; and betakes himself to this Law of Nature, he will perhaps find the Council was a little too rash; but to make the most that can be, the Law of Nations or Nature does indeed allow the Governours of all Societies a Power to serve themselves of every Member of it in the cases of Extream Danger; but no Law of Nature that has been yet heard of will conclude, that if by special Laws, a sort of men have been disabled from all Employments, that a Prince who at his Coronation Swore to maintain those Laws, may at his pleasure extinguish all these Disabilities.

X. At the end of the Declaration, as in a Poscript, His Majesty assures his Subjects, that he will maintain them in their Properties, as well in Church and Abbey Lands, as other Lands: but the chief of all their Properties being the share that they have by their Representatives in the *Legislative Power*; this Declaration, which breaks thro' that, is no great Evidence that the rest will be maintained: and to speak plainly, when a Coronation Oath is so little remembred, other Promises must have a proportioned degree of Credit given to them: as for the Abbey Lands, the keeping them from the Church is according to the Principles of that Religion Sacrilege, and that is a mortal Sin, and there can no *Absolution* be given to any who continue in it: and so this Promise being an Obligation to maintain men in a mortal Sin, is nul and void of it self: *Church-Lands* are also according to the Doctrine of their Canonists, so immediately God's Right, that the the Pope himself is the only Administrator and Dispencer, but is not the master of them; he can indeed make a truck for God, or let them so low, that God shall be an easie Landlord: but he cannot alter God's Property, nor translate the Right that is in him to Sacrilegious Laymen and Hereticks.

XI. One of the Effects of this Declaration, will be the setting on foot a new run of Addresses over the Nation: for there is nothing how impudent and base soever, of which the abject flattery of a slavish Spirit is not capable. It must be confess'd, to the Reproach of the Age, that all those strains of flattery among the *Romans*, that *Tacitus* sets forth with so much just scorn, are modest things, compared to what this Nation has produced within these seven Years: only if our Flattery has come short of the Refinedness of the *Romans*, it has exceeded theirs as much in its loath'd Fulsomeness: The late King set out a Declaration, in which he gave the most solemn Assurances possible of his adhering to the Church of *England*, and to the Religion established by Law, and of his Resolution to have frequent Parliaments; upon which the whole Nation fell as it were into Raptures of Joy and Flattery: but though he lived four Years after that, he called no Parliament, notwithstanding the Law for Triennial Parliaments: and the manner of his Death, and the Papers printed after his Death in his Name, having sufficiently shewed that he was equally sincere in both those Assurances that he gave, as well in that relating to Religion, as in that other relating to frequent Parliaments; yet upon his Death a new set of Addresses appeared, in which all that Flattery could invent was brought forth, in the Commendations of a Prince, to whose Memory the greatest kindness can be done, is to forget him, and because his present Majesty upon his coming to the Throne gave some very general Promise of maintaining the Church of *England*, this was magnified in so extravagant a strain, as if it had been a Security greater than any that the Law could give: tho' by the regard that the King has both to it and to the Laws, it appears that he is resolved to maintain both equally: since then the Nation has already made it self sufficiently ridiculous both to the present and to all succeeding Ages; it is time that at last men should grow weary, and become ashamed of their Folly.

XII. The *Nonconformists* are now invited to set an Example to the rest: and they who have valued themselves hitherto upon their Opposition to Popery, and that have quarrell'd with the Church of *England*, for some small Approaches to it, in a few Ceremonies, are now solicited to rejoyce, because the Laws that secure us against it, are all plucked up: since they enjoy at present and during pleasure leave to meet together. It is natural for all men to love to be set at ease, especially in the matter of their Consciences; but it is visible, that those who allow them this favour, do it with no other design, but that under a pretence of a General Toleration, they may introduce a Religion which must persecute all equally: It is likewise apparent how much they are hated, and how much they have been persecuted by the Instigation of those who now Court them, and who have now no game that is more promising, than

than the engaging them and the Church of *England* into new Quarrels: and as for the Promises now made to them, it cannot be supposed that they will be more lasting than those that were made some time ago to the Church of *England*, who had both a better Title in Law, and greater Merit upon the Crown to assure them that they should be well used than these can pretend to. The Nation has scarce forgiven some of the Church of *England* the Persecution into which they have suffered themselves to be cozened; tho' now that they see Popery barefaced, the Stand that they have made, and the vigorous Opposition that they have given to it, is that which makes all men willing to forget what is past, and raises again the Glory of a Church that was not a little stained by the Indiscretion and Weakness of those, that were too apt to believe and hope, and so suffered themselves to be made a Property to those who would make them a Sacrifice. The Sufferings of the *Nonconformists*, and the Fury that the Popish party expressed against them, had recommended them so much to the Compassions of the Nation, and had given them so just a pretension to favour in a better time, that it will look like a Curse of God upon them, if a few men, whom the Court has gained to betray them, can have such an ill Influence upon them as to make them throw away all that Merit, and those Compassions which their Sufferings have procured them; and to go and court those who are only seemingly kind to them, that they may destroy both them and us. They must remember that as the Church of *England* is the only Establishment that our Religion has by Law; so it is the main body of the Nation, and all the Sects are but small and stragling parties: and if the Legal Settlement of the Church is dissolved, and that body is once broken, these lesser bodies will be all at Mercy: and it is an easie thing to define what the Mercies of those of the Church of *Rome* are.

XIII. But tho' it must be confessed, that the *Nonconformists* are still under some Temptations, to receive every thing that gives them present ease, with a little too much kindness; since they lie exposed to many severe Laws, for which they have of late felt the weight very heavily, and as they are men, and some of them as ill Natured men as other people, so it is no wonder if upon the first surprises of the Declaration, they are a little delighted to see the Church of *England*, after all its Services and Submissions to the Court, so much mortified by it; so that taking all together it will not be strange if they commit some follies upon this occasion. Yet on the other hand it passes all imagination, to see some of the Church of *England*, especially those whose Natures we know are so particularly sharpened in the point of Persecution, chiefly when it is levelled against the Dissenters, rejoice at this Declaration, and make Addresses upon it. Is it hard to think that they have attained to so high a pitch of Christian Charity, as to thank those who do now *Despise* them, and that as an earnest that within a little while they will *Persecute* them. This will be an Original, and a Master-piece in Flattery, which must needs draw the last degrees of Contempt on such as are capable of so abject and sordid a Compliance, and that not only from all the true Members of the Church of *England*, but likewise from those of the Church *Rome* it self; for every man is apt to esteem an Enemy that is brave even in his Misfortunes, as much as he despises those whose minds sink with their Condition, for what is it that these men would Address the King? Is it because he breaks those Laws that are made in their Favour, and for their Protection: and is now striking at the Root of all Legal Settlement, that they have for their Religion? Or is it because that at the same time that the King professes a Religion that condemns his Supremacy, yet he is not contented with the Exercise of it as it is warranted by Law, but carries it so far as to erect a Court contrary to the express words of a Law so lately made: That Court takes care to maintain a due proportion between their Constitution and all their Proceedings, that so all may be of a piece, and all equally contrary to Law. They have suspended one Bishop, only because he would not do that which was not in his power to do: for since there is no Extrajudiciary Authority in *England*, a Bishop can no more proceed to the Sentence of Suspension against a Clergyman without a Tryal, and the hearing of Parties, than a Judge can give a Sentence in his Chamber without an Indictment, a Tryal, or a Jury, and because one of the greatest bodies of *England* would not break their Oaths, and obey a *Mandate* that plainly contradicted them, we see to what a pitch this is like to be carried: I will not anticipate upon this illegal Court, to tell what Judgments are coming; but without carrying our Jealousies too far, one may safely conclude, that they will never depart so far from their first Institution, as to have any regard, either to our Religion, or our Laws, or Liberties, in any thing they do. If all this were acted by avowed Papists, as we are sure it is projected by such, there were nothing extraordinary in it: but that which carries our Indignation a little too far to be easily governed, is to see some pretended Protestants, and a few Bishops, among those that are the fatal Instruments of pulling



pulling down the Church of *England*, and that those Mercenaries Sacrifice their Religion and their Church to their Ambition and Interests; this has such peculiar Characters of Misfortune upon it, that it seems it is not enough if we perish without pity, since we fall by that hand that we have so much supported and fortified, but we must become the Scorn of all the World, since we have produced such an unnatural Brood, that even while they are pretending to be the Sons of the Church of *England*, are cutting their Mothers Throat: and not content with *Judas's* Crime, of saying, *Hail Master*, and kissing him, while they are betraying him into the hands of others; these carry their Wickedness farther, and say, *Hail Mother*, and then they themselves murder her. If after all this we are called to bear this as Christians, and to suffer it as Subjects, if we were required in Patience to possess our own Souls, and to be in Charity with our Enemies; and which is more, to forgive our False Brethren who add Treachery to their Hatred; the Exhortation were seasonable, and indeed a little necessary: for Humane Nature cannot easily take down things of such a hard digestion: but to tell us that we must make Addresses, and offer Thanks for all this, is to insult a little too much upon us in our Sufferings: and he that can believe that a dry and cautiously worded Promise of maintaining the Church of *England*, will be religiously observed after all that we have seen, and is upon that carried so far out of his Wits as to Address and give Thanks, and will believe still, such a man has nothing to excuse him from believing Transubstantiation itself; for it is plain that he can bring himself to believe even when the thing is contrary to the clearest Evidence that his Senses can give him.

*Si populus hic vult decipi decipiat.*

#### POSTSCRIPT.

**T**hese Reflections were writ soon after the Declaration came to my hands, but the Matter of them was so tender, and the Conveyance of them to the Press was so uneasy, that they appear now too late to have one effect that was Designed by them, which was the diverting men from making Addresses upon it; yet if what is here proposed makes men become so far wiser as to be ashamed of what they have done, and carrying is a means to keep them from their Courtship further than good words, this Paper will not come too late.

# A LETTER TO A DISSENTER,

Upon occasion of His MAJESTIES Late Gracious DE-  
CLARATION of INDULGENCE.

SIR,

**S**ince Addresses are in fashion, give me leave to make one to you. This is neither the Effect of Fear, Interest, or Resentment; therefore you may be sure it is sincere: and for that reason it may expect to be kindly received. Whether it will have power enough to Convince, dependeth upon the Reasons, of which you are to judge; and upon your preparation of Mind, to be perswaded by Truth, whenever it appeareth to you. It ought not to be the less welcome, for coming from a friendly hand, one whose kindness to you is not lessened by difference of Opinion, and who will not let his thoughts for the Publick be so tyed or confined to this or that Subdivision of Protestants, as to stifle the Charity, which besides all other Arguments, is at this time become necessary to preserve us.

I am

I am neither surprized nor provoked, to see that in the Condition you were put into by the Laws, and the ill Circumstances you lay under, by having the Exclusion and Rebellion laid to your Charge, you were desirous to make your selves less uneasy and obnoxious to Authority. Men who are sore, run to the nearest Remedy with too much haste, to consider all the Consequences: Grains of allowance are to be given, where Nature giveth such strong Influences. When to Men under Sufferings it offereth Ease, the present Pain will hardly allow time to examine the Remedies; and the strongest Reasons can hardly gain a fair Audience from our Mind, whilst so possessed, till the smart is a little allayed.

I do not know whether the Warmth that naturally belongeth to new Friendships, may not make it a harder Task for me to perswade you. It is like telling Lovers in the beginning of their Joys, that they will in a little time have an end. Such an unwelcome Style doth not easily find Credit: but I will suppose you are not so far gone in your new Passion, but that you will hear still; and therefore I am under the less Discouragement, when I offer to your Consideration two things. The first is, the Cause you have to suspect your new Friends. The second, the Duty incumbent upon you, in Christianity and Prudence, not to hazard the Publick Safety, neither by desire of Ease nor of Revenge.

To the First, Consider that notwithstanding the smooth Language which is now put on to engage you, these new Friends did not make you their Choice, but their Refuge: They have ever made their first Courtships to the Church of *England*, and when they were rejected there, they made their Application to you in the second Place. The Instances of this, might be given in all times. I do not repeat them, because whatsoever is unnecessary, must be tedious, the Truth of this Assertion being so plain, as not to admit a Dispute. You cannot therefore reasonably flatter your selves, that there is any Inclination to you. They never pretended to allow you any Quarter, but to usher in Liberty for themselves under that Shelter. I refer you to Mr. *Coleman's Letters*, and to the *Journals of Parliament*, where you may be convinced, if you can be so mistaken, as to doubt; nay, at this very Hour, they can hardly forbear, in the height of their Courtship, to let fall hard Words of you. So little is Nature to be restrained; it will start out sometimes, disdaining to submit to the Usurpation of Art and Interest.

This Alliance, between *Liberty* and *Infidelity*, is bringing together the Two most contrary Things that are in the World. The Church of *Rome* doth not only dislike the allowing Liberty, but by its Principles it cannot do it. Wine is not more expressly forbidden to the *Mahometans*, than giving Hereticks Liberty is to *Papists*: They are no more able to make good their Vows to you, then Men married before, and their Wife alive, can confirm their Contract with another. The continuance of their Kindness would be a Habit of Sin, of which they are to repent; and their Absolution is to be had upon no other Terms, than their Promises to destroy you. You are therefore to be hugg'd now, only that you may be the better squeez'd at another time. There must be something extraordinary, when the Church of *Rome* setteth up Bills, and offereth Plaisters for tender Consciences: By all that hath hitherto appeared, her Skill in Chyrurgery lyeth chiefly in a quick Hand, to cut off Limbs; but she is the worst at Healing, of any that ever pretended to it.

To come so quick from another Extream, is such an unnatural Motion, that you ought to be upon your Guard; the other Day you were *Sons of Belial*, Now you are *Angels of Light*. This a violent Change, and it will be fit for you to pause upon it, before you believe it: If your Features are not altered, neither is their Opinion of you, whatever may be pretended. Do you believe less than you did, that there is Idolatry in the Church of *Rome*? sure you do not. See then, how they treat both in Words and Writing, those who entertain that Opinion. Conclude from hence, how inconsistent their Favour is with this single Article, except they give you a Dispensation for this too, and by a *Non Obstante*, secure you that they will not think the worse of you.

Think a little how dangerous it is to build upon a Foundation of Paradoxes. Popery now is the only Friend to Liberty, and the known Enemy to Persecution: The Men of *Tannin* and *Trisron*, are above all other eminent for Loyalty. The *Quakers*, from being declared by the *Papists* not to be Christians, are now made Favorites, and taken into their particular Protection; they are on a sudden grown the most accomplished Men of the Kingdom, in good Breeding, and giving Thanks with the best Grace, in double refined Language. So that I should not wonder, though a Man of that Perswasion, in spite of his Hat, should be Master of the Ceremonies. Not to say harsher Words, these are such very new things, that it is impossible not to suspend our Belief, till by a little more Experience we may be informed whether they are Reallies or Apparitions: We have been under shameful Mistakes, if these Opinions are true; but for the present, we are apt to be incredulous; except we could be convinced, that the Priests Words in this Case too, are able to make such a sudden, and effectual Change; and that their Power is not limited to the Sacrament, but that it extendeth to alter the Nature of all other things, as often as they are so disposed.

Let me now speak of the Instruments of your Friendship, and then leave you to judge, whether they do not afford Matter of Suspicion. No Sharpness is to be mingled where Healing only is intended; so nothing will be said to expose particular Men, how strong soever the Temptation may be, or how clear the Proofs to make it out. A word or two in general, for your better Caution, shall suffice: Suppose then, for Arguments sake, that the Mediators of this new Alliance, should be such as have been formerly employed in Treaties of the same kind, and there detected to have Acted by Order, and to have been empowered to give Encouragements and Rewards. Would not this be an Argument to suspect them?

If they should plainly be under Engagements on the one side, their Arguments to the other, ought to be received accordingly; their fair Pretences are to be looked upon as part of their Commission, which may not improbably give them a Dispensation in the Case of Truth, when it may bring a Prejudice upon the Service of those by whom they are employed.

If there should be Men, who having formerly had Means and Authority to persuade by secular Arguments, have, in pursuance of that Power, sprinkled Money amongst the Dissenting Ministers; and if those very Men should now have the same Authority, practice the same Methods, and Disburse, where they cannot otherwise persuade: It seemeth to me to be rather an Evidence, than a Presumption of the Deceit.

If there should be Ministers among you, who, by having fallen under Temptations of this kind, are in some sort engaged to continue their Frailty, by the Awe they are in, lest it should be exposed: The Persuasions of these unfortunate Men must sure have the less Force, and their Arguments, though never so specious, are to be suspected, when they come from Men who have mortgaged themselves to severe Creditors, that expect a rigorous Observation of the Contract, let it be never so unwarrantable.

If these, or any others, should at this time preach up Anger and Vengeance against the Church of England; may it not without Injustice be suspected, that a thing so plainly out of season, springeth rather from Corruption than Mistake; and that those who act this cholerick Part, do not believe themselves, but only pursue higher Directions, endeavour to make good that part of their Contract which obligeth them, upon a Forfeiture, to make use of their inflaming Eloquence? They might apprehend their VVages would be retrenched if they should be moderate: And therefore whilst Violence is their Interest, those who have not the same Arguments, have no reason to follow such a partial Example.

If there should be Men, who by the Load of their Crimes against the Government, have been bowed down to comply with it against their Conscience; who by incurring the want of a Pardon, have drawn upon themselves the Necessity of an intire Resignation: Such Men are to be lamented, but not to be believed. Nay, they themselves, when they have discharged their Unwelcome Task, will be inwardly glad that their forced Endeavours do not succeed, and are pleased when Men resist their Insinuations; which are far from being voluntary or sincere, but are squeezed out of them by the weight of their being so obnoxious.

If in the height of this great Dearth by comparing things, it should happen, that at this Instant, there is much a surer Friendship with those who are so far from allowing Liberty, that they allow no Living to a Protestant under them. Let the Scene lye in what part of the VVorld it will, the Argument will come home, and sure it will afford sufficient Ground to suspect. Apparent Contradictions must strike us; neither Nature nor Reason can digest them: Self-flattery, and the Desire to deceive our selves, to gratify a present Appetite, with all their Power, which is Great, cannot get the better of such broad Conviction, as some things carry along with them. Will you call these vain and empty Suspicions? have you been at all times so void of Fears and Jealousies, as to justify your being so unreasonably Valiant in having none upon this Occasion? Such an extraordinary Courage at this unseasonable time, to say no more, is too dangerous a Vertue to be commended.

If then for these and a thousand other Reasons, there is cause to suspect, sure your new Friends are not to dictate to you, or advise you; for instance, the Addresses that fly abroad every Week; and Murder us with another to the same; the first Draughts are made by those who are not very proper to be Secretaries to the Protestant Religion; and it is your Part only to write them out fairer again. Strange! that you who have been formerly so much against *Set Forms*, should now be content the Priests should Indite for you. The Nature of Thanks is an unavoidable Consequence of being Pleased or Obliged; they grow in the Heart, and from thence shew themselves either in Looks, Speeches, Writing, or Action: No Man was ever Thankful, because he was bid to be so, but because he had, or thought he had some Reason for it. If then there is cause in this Case to pay such extravagant Acknowledgments, they will flow naturally, without taking such pains to procure them, and it is unkindly done to tire all the Post-Horses with Carrying Circular Letters to solicit that which would be done without any Trouble or Constraint: If it is really in it self such a Favour, what needeth so much pressing Men to be Thankful, and with such eager Circumstances, that where Persuasions cannot deduce, Threatnings are employed to fright them into a Compliance? Thanks must be voluntary,



not only uncontrained, but unsolicited, else they are either Trifles or Snares, they either signify nothing, or a great deal more than is intended by those that give them. If an inference should be made, that whosoever thanketh the King for his Declaration, is by that engaged to justify it in point of Law; it is a greater stride than, I presume, all those care to make who are persuaded to Address: If it shall be supposed, that all the Thankers will be Repealers of the TEST, when ever a Parliament shall Meet. Such an Expectation is better prevented before, than disappointed afterwards; and the surest way to avoid the lying under such a scandal, is not to do any thing that may give a colour to the Mistake: These Bespoken Thanks are little less improper than Love Letters that were solicited by the Lady to whom they are to be Directed: So, that besides the little ground there is to give them, the manner of getting them, doth extremely lessen their Value. It might be wished that you would have suppressed your impatience, and have been content for the sake of Religion, to enjoy it within your selves, without the Liberty of a publick Exercise, till a Parliament had allowed it: but since that could not be, and that the Artificers of some amongst you have made use of the Well-meant Zeal of the Generality to draw them into this Mistake; I am so far from blaming you with that sharpness which, perhaps, the Matter in strictness would bear, that I am ready to err on the side of the more gentle construction.

There is a great difference between enjoying quietly the advantages of an Act irregularly done by others, and the going about to support it against the Laws in being: The Law is so sacred, that no Trespas against it is to be Defended; yet Frailties may in some measure be Excused, when they cannot be justified. The desire of enjoying a Liberty from which men have been so long restrained, may be a Temptation that their Reason is not at all times able to resist. If in such a case, some Objections are leapt over, indifferent men will be more inclined to lament the Occasion, than to fall too hard upon the Fault, whilst it is covered with the Apology of a good intention; but where to rescue your selves from the severity of one Law, you give a blow to all the Laws, by which your Religion and Liberty are to be protected; and instead of silently receiving the benefit of this Indulgence, you set up for Advocates to support it, you become voluntary Aggressors, and look like Counsel retained by the Prerogative against your old Friend *Magna Charta*, who hath done nothing to deserve her falling thus under your Displeasure.

If the case then should be, that the Price expected from you for this Liberty, is giving up your Right in the Laws, sure you will think twice, before you go any further in such a losing bargain. After giving Thanks for the breach of one Law, you lose the Right of Complaining of the breach of all the rest; you will not very well know how to defend your selves, when you are pressed; and having given up the Question, when it was for your advantage, you cannot recall it, when it shall be to your Prejudice. If you will set up at one time a Power to help you, which at another time by Parity of Reason shall be made use of to destroy you, you will neither be pitied, nor relieved against a Mischief you draw upon your selves, by being unreasonably thankful. It is like calling in Auxiliaries to help, who are strong enough to subdue you: In such a case your Complaints will come too late to be heard, and your sufferings will raise Mirth instead of Compassion.

If you think, for your excuse, to expound your thanks so as to restrain them to this particular case, others, for their ends, will extend them further; and in these differing Interpretations, that which is back'd by Authority will be the most likely to prevail; especially when by the advantage you have given them, they have in truth the better of the Argument, and that the Inferences from your own Concessions are very strong, and express against you. This is so far from being a groundless Supposition, that there was a late instance of it, the last Session of Parliament, in the House of Lords, where the first Thanks, though things of course, were interpreted to be the Approbation of the King's whole Speech, and a Restraint from the further Examination of any part of it, though never so much disliked; and it was with difficulty obtained, not to be excluded from the Liberty of objecting to this mighty Prerogative of Dispersing, merely by this innocent and usual piece of good Manners, by which no such thing could possibly be intended.

This sheweth, that some bounds are to be put to your good Breeding, and that the Constitution of England is too valuable a thing to be ventured upon a Complement. Now that you have for some time enjoyed the benefit of the End, it is time for you to look into the Danger of the Means: The same Reason that made you desirous to get Liberty, must make you solicitous to preserve it: so that the next thought will naturally be, not to engage your self beyond Retreat, and to agree so far with the Principles of all Religions, as not to rely upon a Death-bed Repentance.

There are certain Periods of time, which being once past, make all cautions ineffectual, and all Remedies desperate. Our Understandings are apt to be hurried on by the first heats; which if not restrained in time, do not give us leave to look back, till it is too late. Consider this in the Case of your Ager against the Church of England, and take warning by their Mistake in the same kind, when after the late King's Restauration, they preserved so long the bitter taste

of your rough usage to them in other times, that it made them forget their Interest, and sacrifice it to their Revenge.

Either you will blame this Proceeding in them, and for that reason not follow it, or if you allow it, you have no reason to be offended with them; so that you must either dismiss your Anger, or lose your Excuse; except you should argue more partially than will be supposed of Men of your Morality and Understanding.

If you had now to do with those Rigid Prelates, who made it a Matter of Conscience to give you the least Indulgence; but kept you at an uncharitable distance, and even to your more reasonable Scruples continued stiff and exorable, the Argument might be fairer on your side, but since the common Danger hath so laid open that Mistake, that all the former Haughtiness towards you is for ever extinguish'd, and that it hath turned the Spirit of Persecution into a Spirit of Peace, Charity and Condescension; shall this happy Change only affect the Church of England? And are you so in Love with Separation, as not to be moved by this Example? It ought to be followed, were there no other reason than that it is a Virtue; but when besides that, it is become necessary to your preservation, it is impossible to fail the having its Effect upon you.

If it should be said, that the Church of England is never Humble, but when she is out of Power, and therefore loseth the Right of being believed when she pretendeth to it; the Answer is, *First*, it would be an uncharitable Objection, and very much mis-timed? an unreasonable Triumph, not only ungenerous, but unsafe: So that in these respects it cannot be urged without scandal, even though it could be said with Truth. *Secondly*, This is not so in Fact, and the Argument must fall, being built upon a False Foundation; for whatever may be told you, at this very hour, and in the heat and glare of your present sun-shine, the Church of England can in a moment bring Clouds again; and turn the Royal Thunder upon your Head, blow you off the Stage with a Breath, if she would give but a smile or a kind Word; the least Glimpse of her Compliance, would throw you back into the state of Suffering, and draw upon you all the Arrows of severity, which have accrued during the time of this kindness to you, and yet the Church of England, with all her Faults, will not allow her self to be rescued by such unjustifiable means, but chuseth to bear the weight of Power, rather than lie under the burthen of being Criminal.

It cannot be said, that she is unprovoked; Books and Letters come out every day, to call for Answers, yet she will not be stirred. From the supposed Authors and the Style one would swear they were Undertakers, and had made a Contract to fall out with the Church of England. There are Lashes in every Address, Challenges to draw the Pen in every Pamphlet; in short, the fairest occasions in the World given to quarrel; but she wisely distinguisheth between the Body of Dissenters, whom she will suppose to Act, as they do, with no ill intent; and these small skirmishers pickt and sent out to Pickqueer, and to begin a Fray amongst the Protestants, for the entertainment, as well as the advantage of the Church of Rome.

This Conduct is so good, that it will be scandalous not to Applaud it. It is not equal dealing, to blame our Adversaries for doing ill, and not commend them when they do well.

To hate them because they Persecuted, and not to be reconciled to them when they are ready to suffer, rather than receive all the Advantages that can be gained by a Criminal Compliance, is a Principle no sort of Christians can own, since it would give an Objection to them never to be Answered.

Think a little, who they were that promoted your former Persecutions, and then consider how it will look to be angry with the Instruments, and at the same time to make a League with the Authors of your sufferings.

Have you enough considered what will be expected from you? Are you ready to stand in every Borough by a Virtue of a *Conge d'eslire*, and instead of Election, be satisfied if you are returned?

Will you in Parliament, justify the Dispensing Power, with all its consequences, and repeal the *Test*, by which you will make way for the repeal of all the Laws, that were made to preserve your Religion, and to Enact others that shall destroy it?

Are you disposed to change the Liberty of Debate, into the Merit of Obedience, and to be made Instruments to Repeal or Enact Laws, when the Roman Confessors are Lords of the *Archie*?

Are you so linked with your new Friends, as to reject any Indulgence a Parliament shall offer you, if it shall not be so Comprehensive as to include the Papists in it?

Consider that the implied Conditions of your new Treaty are no less, than that you are to do every thing you are desired, without examining, and that for this pretended Liberty of Conscience, your real Freedom is to be Sacrificed: Your former Faults hang like Chains still about you, you are let loose only upon Bay; the first Act of Non-compliance, sendeth you to jail again.

You may see that the Papists themselves, do not rely upon the Legality of this power, which you are to justify, since they being so very earnest to get it Established by a Law, and

the doing such very hard things in order, as they think to obtain it, is a clear Evidence, that they do not think, that the single Power of the Crown is in this Case a good Foundation; especially when this is done under a Prince, so very tender of all the Rights of Sovereignty, that he would think it a diminution to his Prerogative, where he conceiveth it strong enough to go alone, to call in the Legislative help to strengthen and support it.

You have formerly blamed the *Church of England*, and not without reason, for going so far as they did in their Compliance; and yet as soon as they stopped, you see they are not only Deserted, but Prosecuted: Conclude then from this Example, that you must either break off your Friendship, or resolve to have no Bounds in it. If they do not succeed in their Design, they will leave you first; if they do, you must either leave them, when it will be too late for your Safety, or else after the squeezings of starting at a Surplice, you must be forced to swallow Transubstantiation.

Remember that the other day those of the *Church of England* were *Trimmers* for enduring you, and now by a sudden Turn, you are become the Favourites; do not deceive your selves, it is not the Nature of lasting Plants thus to shoot up in a Night; you may look gay and green for a little time, but you want a Root to give you a continuance. It is not so long since, as to be forgotten, that the *Maxim* was, *It is impossible for a Dissenter, not to be a REBEL*. Consider at this time in *France*, even the new Converts are so far from being Employed, that they are Disarmed: Their sudden Change maketh them still to be distrusted, notwithstanding that they are Reconciled: What are you to expect then from your dear Friends, to whom, whenever they shall think fit to throw you off again, you have in other times given such Arguments for their excuse?

Besides all this, you Act very unskilfully against your visible Interest, if you throw away the Advantages, of which you can hardly fail in the next probable Revolution. Things tend naturally to what you would have, if you would let them alone, and not by an unreasonable Activity lose the Influences of your good Star, which promiseth you every thing that is prosperous.

The *Church of England* convinced of its Error in being severe to you; the *Parliament*, whenever it meeteth, sure to be Gentle to you; the next Heir bred in the Country which you have so often Quoted for a Pattern of Indulgence; a general Agreement of all thinking Men, that we must no more cut our selves off from the Protestants abroad, but rather enlarge the Foundations upon which we are to build our Defences against the Common Enemy; so that in Truth, all things seem to conspire to give you ease and satisfaction, if by too much haste to anticipate your good Fortune, you do not destroy it.

The Protestants have but one Article of Human Strength, to oppose the Power which is now against them, and that is, not to lose the advantage of their Numbers, by being so unwary as to let themselves be divided.

We all agree in our Duty to our Prince, our Objections to his Belief, do not hinder us from seeing his Vertues; and our not complying with his Religion, hath no effect upon our Allegiance; we are not to be Laughed out of our Passive Obedience, and the Doctrine of Non-Resistance, though even those who perhaps owe the best part of their Security to that Principle, are apt to make a Jest of it.

So that if we give no advantage by the fatal Mistake of misapplying our Anger, by the natural course of things, this Danger will pass away like a shower of Hail; fair weather will succeed, as lowering as the Sky now looketh, and all by this plain and easie Receipt. Let us be still, quiet and undivided, firm at the same time to our Religion, our Loyalty, and our Laws, and so long as we continue this method, it is next to impossible, that the odds of two hundred to one should lose the Bet; except the *Church of Rome*, which hath been so long barren of Miracles, should now in her declining Age, be brought a Bed of one that would out-do the best she can brag of in her Legend.

To conclude, the short Question will be, whether you will Joyn with those who must in the end run the same Fate with you. If Protestants of all sorts, in their Behaviour to one another, have been to blame, they are upon the more equal terms, and for that very Reason it is fitter for them now to be reconciled. Our Dis-union is not only a Reproach, but a Danger to us; those who believe in modern Miracles, have more Right, or at least more Excuse, to neglect all Secular Cautions: but for us, it is as justifiable to have no Religion, as wilfully to throw away the Human Means of preserving it. I am,

Dear SIR,

Your most Affectionate  
Humble Servant.

T. W.

H h h h

The



## The ANATOMY of an EQUIVALENT.

I. **T**HE World hath of late years never been without some extraordinary *Word* to furnish the Coffee-houses and fill the Pamphlets. Sometimes it is a *new* one invented, and sometimes an *Old* one revived. They are usually fitted to some present purpose, with Intentions as differing as the various Designs several *Parties* may have, either to delude the people, or to expose their Adversaries: They are not of long continuance, but after they have passed a little while, and that they are grown Nauseous by being so often repeated, they give place to something that is newer. Thus, after *Whig*, *Tory*, and *Trimmer*, have had their Time, now they are dead and forgotten, being supplanted by the word *Equivalent*, which reigneth in their stead.

The Birth of it is in short this: After many repeated Essays to dispose Men to the Repeal of Oaths and Tests, made for the security of the *Protestant Religion*, the general aversion to comply in it was found to be so great, that it was thought advisable to try another manner of attempting it, and to see whether by putting the *same thing* into another Mould, and softning an *harsh Proposition* by a *plausible Term*, they might not have better success.

To this end, instead of an *absolute quitting* of these Laws, without any Condition, which was the first Proposal; Now it is put into gentler Language, and runneth thus; *If you will take away the Oaths and Tests, you shall have as good a thing for them.* This put into the fashionable Word, is now called an *Equivalent*.

II. So much to the Word it self. I will now endeavour in short to Examine and Explain, in order to the having it fully understood,

First, What is the nature of a true *Equivalent*; and

In the next place, What things are *not* to be admired under that denomination.

I shall treat these as general Propositions; and tho I cannot undertake how far they may be *convincing*, I may safely do it, that they are *Impartial*; of which there can be no greater evidence than that I make neither Inference, nor Application, but leave that part intirely to the Reader, according as his own Thoughts shall direct and dispose him.

III. I will first take notice, that this Word, by the Application which hath been made of it in some modern instances, lieth under some *Disadvantage*, not to say some *Scandal*. It is transmitted hither from *France*; and if as in most other things that we take from them, we carry them beyond the Pattern, it should prove so in this, we should get into a more *partial* *Stile* than the Principles of English Justice will I hope ever allow us to be guilty of.

The *French King's Equivalents in Flanders*, are very extraordinary *Bargains*; his manner of proposing and obtaining them, is very differing from the usual methods of *equal dealing*. In a later Instance, *Denmark*, by the encouragement as well as by the example of *France*, hath propos'd things to the Duke of *Holstein*, which are called *Equivalents*, but that they are so, the World is not yet sufficiently convinc'd, and probably the Parties concern'd do not think them to be so, and consequently do not appear to be at all disposed to accept them. Princes enjoy and prescribe such things when they have *Strength* and *Power* to supply the want of *Arguments*; and according to practice in these Cases, the weaker are never thought to have an *ill Bargain*, if they have *any thing* left them. So that the first Qualification of an *Equivalent*, must be, that the Appraisers be *indifferent*, else it is only a *Scound*, there can be nothing *real* in it: For, where the same party that *proposeth* a Bargain, claimeth a Right to set the *Value*; or which is worse: hath *power* too to make it good; the other may be forced to *submit* to the Conditions, but he can by no means ever be perswaded to *treat* upon them.

IV. The next thing to be considered is, that to make an *Equivalent* in reality an equal thing, in the Proposer, it must be a *better* thing than that which is required by him; *just as good* is subject to the Hazard of not being *quite so good*: It is not easie to have such an even Hand, as to make the Value exactly equal; besides, according to the Maxim in Law, *Melior conditio possidentis*, the Offer is not fair, except the thing offered is better in Value than the Thing demanded. There must be Allowance for removing what is fixed, and there must be something that may be a Justification for *Changing*. The Value of things very often dependeth more upon other Circumstances, than upon what is meerly intrinsic to them; therefore the Calculation must be made upon that Foot, perhaps in most Cases; and particularly the *Want* which one of the Parties may have of the Thing he requireth, maketh it more valuable to him than it is in it self. If the Party *proposing* doth not want the Thing he would have in Exchange, his requiring it is *impertinent*: If he doth, his want of it must go into the Appraisement, and by consequence every Proposer of an *Equivalent* must offer a *better* Thing, or else he must not take it unkindly to be refused, except the other Party hath an *equal Want* of the *same* Thing, which is very improbable, since naturally he that wanteth most, will speak first.

V. Another thing necessary to the making a fair Bargain is, that let the Parties who treat, be they never so unequal in themselves, yet as to the particular thing proposed, there must be an *equal Equality*, as far as it relateth to the full Liberty of *Taking or Refusing, Concurring or Objecting*, without any consequence of *Revenge*, or so much as *Dissatisfaction*; for it is impossible to *treat* where it is an *Affront to differ*; in that Case there is no mean between the two Extremes, either an open Quarrel, or an intire Submission; the *Way of Bargaining* must be equal, else the Bargain it self cannot be so: For Example, the *Proposer* is not only to use *equal Terms* as to the *Matter*, but *fair ones in the Manner* too. There must be no Intimations of *Anger* in case of *Refusal*, much less any open *Threatning*. Such a *Stile* is so ill suited to the usual way of *Treating*, that it looketh more like a *Breach of the Peace*, than the making a Bargain. It would be yet more improper, and less agreeing with the Nature of an *Equivalent*, if, whilst two Men are a chaffering about the *Price*, one of them should actually *take* the thing in question at his *own Rate*, and afterwards desire to have his *Possession confirmed* by a formal Agreement; such a *Proceeding* would not only *destroy* that *Particular Contract*, but make it impossible to have any other, with the *Party* that could be guilty of such a *Practice*.

VI. *Violence* preceding, destroyeth all *Contracts*, and even though the *Party* that offereth it should have a right to the thing he so taketh, yet it is to be obtained by *legal Means*, else it may be *forfeited* by his *Irregularity* in the Pursuit of it: The *Law* is such an Enemy to *Violence*, and so little to be reconciled to it, that in the Case of a *Rape*, the Punishment is not taken off, tho the *Party* injured afterward consenteth. The Justice of the *Law* hath its Eye upon the first Act, and the Maxim of *Volenti non fit injuria*, doth not in this Case help the Offender, it being a *Plea subsequent* to the Crime, which maketh it to be rejected as a thing wrong dated, and out of time.

In taking away Goods or Money it is the same thing: The *Party* Robbed, by giving them afterwards to the *Taker*, does not exempt him from the Punishment of the *Violence*: Quite contrary, the Man from whom they were taken is punishable, if he doth not *Prosecute*. If the Case should be, that a Man thus taking away a thing without *Price*, claimeth a Right to take it, then whether it is well or ill founded is not the Question; but sure, the *Party* from whom it is so taken, whilst he is treating to *Self or Exchange* it, can never make a Bargain with so arbitrary a *Chapman*, there being no Room left after that to talk of the *Value*.

VII. To make an equal Bargain there must be a Liberty of *differing*, not only in every thing that is really *Essential*, but in every thing that is *thought so* by either *Party*, and most especially by him who is in *Possession* of the thing demanded: His *Opinion* must be a *Rule* to him, and even his *Mistake* in the *Value*, though it may not convince the Man he hath to deal with, yet he will be justified for not accepting what is offered, till that *Mistake* is fairly rectified and overruled.

When a *Security* is desired to be *changed*, that Side which *desireth* it must not pretend to *impose* upon the other, so as to dictate to them, and tell them without debate, that they are *safe* in what is proposed, since of that the Counsel on the other Side must certainly be the most *competent Judges*. The *Hand* it cometh from is a great Circumstance, either to invite or discourage in all Matters of *Contract*; the Qualifications of the *Party offering*, must suit with the *Proposition* it self, else let it be never so fair, there is Ground for *Suspicion*.

VIII. What Men are of a *Temper*, that they think they have *Wrong* done them, if they have not always the better side of a *Bargain*: If they happen to be such, as by Experience have been found to have an *ill Memory* for their *Word*. If the Character they bear, doth not recommend their *Justice*, where ever their *Interest* is concern'd. In these Cases, thinking Men will avoid Dealing, not only to prevent *Surprise*, but to cut off the Occasions of *Difficulty* or *Dispute*.

It is yet more *discouraging*, when there are, either a *precedent Practice*, or *standing Maxims* of *gross Partiality*, in assuming a Privilege of *Exemption* from the usual Methods of *equal Dealing*.

To illustrate this by an Instance. Suppose that in any Case, the Church of *Rome* should have an *Interest* to promote a Bargain; let her way of *Dealing* be a little examin'd, which will direct those with whom she treateth, how far they are to rely upon what she *proposeth* to them. We may begin with the *Quality* in the World, the least consisting with *equal Dealing*, viz. An incurable *Partiality to herself*; which, that it may arrive to its full Perfection, is crowned with *Insatiability*. At the first setting out, she maketh her self incapable of dealing upon *Terms of Equality*, by the Power she claimeth of *Binding and Loosing*, which hath been so often applied to *Treaties*, as well as to *Sins*.

If the Definition of *Justice* is to deal *equally*, she cannot be guilty of it without *betraying her Privilege*, and according to her Principles, she giveth up the Superiority derived to her by *Apollitical Succession*, if she degradeth her self so as to be judged by the Rules of *Common Right*, especially if the Bargain should be with *Hereticks*, who in her Opinion have *forfeited* the Claim they might otherwise have had to it.

## The ANATOMY of an EQUIVALENT.

I. **T**HE World hath of late years never been without some extraordinary Word to furnish the Coffee-houses and fill the Pamphlets. Sometimes it is a *new* one invented, and sometimes an *O'd* one revived. They are usually fitted to some present purpose, with Intentions as differing as the various Designs several Parties may have, either to delude the people, or to expose their Adversaries: They are not of long continuance, but after they have passed a little while, and that they are grown Nauseous by being so often repeated, they give place to something that is newer. Thus, after *Whig*, *Tory*, and *Trimmer*, have had their Time, now they are dead and forgotten, being supplanted by the word *Equivalent*, which reigneth in their stead.

The Birth of it is in short this: After many repeated Essays to dispose Men to the Repeal of Oaths and Tests, made for the security of the *Protestant Religion*, the general aversion to comply in it was found to be so great, that it was thought adviseable to try another manner of attempting it, and to see whether by putting the *same thing* into *another Mould*, and softning an *harsh Proposition* by a *plausible Term*, they might not have better success.

To this end, instead of an *absolute quitting* of these Laws, without any Condition, which was the *first Proposal*; Now it is put into gentler Language, and runneth thus; *If you will take away the Oaths and Tests, you shall have as good a thing for them.* This put into the fashionable Word, is now called an *Equivalent*.

II. So much to the Word it self. I will now endeavour in short to Examine and Explain, in order to the having it fully understood,

First, What is the nature of a true *Equivalent*; and

In the next place, What things are *not* to be admired under that denomination.

I shall treat these as general Propositions; and tho I cannot underrake how far they may be *convincing*, I may safely do it, that they are *Impartial*; of which there can be no greater evidence than that I make neither Inference, nor Application, but leave that part intirely to the Reader, according as his own Thoughts shall direct and dispose him.

III. I will first take notice, that this Word, by the Application which hath been made of it in some modern instances, lieth under some *Disadvantage*, not to say some *Scandal*. It is transmitted hither from *France*; and if as in most other things that we take from them, we carry them beyond the Pattern, it should prove so in this, we should get into a more *partial* *Stile* than the Principles of English Justice will I hope ever allow us to be guilty of.

The *French King's Equivalents* in *Flanders*, are very extraordinary *Bargains*; his manner of proposing and obtaining them, is very differing from the usual methods of *equal dealing*. In a later Instance, *Denmark*, by the encouragement as well as by the example of *France*, hath propos'd things to the Duke of *Holstein*, which are called *Equivalents*, but that they are so, the World is not yet sufficiently convinc'd, and probably the Parties concern'd do not think them to be so, and consequently do not appear to be at all disposed to accept them. Princes enjoy and prescribe such things when they have *Strength* and *Power* to supply the want of *Arguments*; and according to practice in these Cases, the weaker are never thought to have an *ill Bargain*, if they have *any thing* left them. So that the first Qualification of an *Equivalent*, must be, that the Appraisers be *indifferent*, else it is only a *Sound*, there can be nothing *real* in it: For, where the same party that *proposeth* a Bargain, claimeth a Right to set the *Value*; or which is worse: hath *power* too to make it good; the other may be forced to *submit* to the Conditions, but he can by no means ever be perswaded to *treat* upon them.

IV. The next thing to be considered is, that to make an *Equivalent* in reality an equal thing, in the Proposer, it must be a *better* thing than that which is required by him; *just as good* is subject to the Hazard of not being *quite so good*: It is not easie to have such an even Hand, as to make the Value exactly equal; besides, according to the Maxim in Law, *Melior conditio possidentis*, the Offer is not fair, except the thing offered is better in Value than the Thing demanded. There must be Allowance for removing what is fixed, and there must be something that may be a Justification for *Changing*. The Value of things very often dependeth more upon other Circumstances, than upon what is merely intrinsick to them; therefore the Calculation must be made upon that Foot, perhaps in most Cases; and particularly the *Want* which one of the Parties may have of the Thing he requireth, maketh it more valuable to him than it is in *it self*. If the Party *proposing* doth not want the Thing he would have in Exchange, his requiring it is *impertinent*: If he doth, his want of it must go into the Appraisement, and by consequence every Proposer of an *Equivalent* must offer a *better* Thing, or else he must not take it unkindly to be refused, except the other Party hath an *equal Want* of the *same* Thing, which is very improbable, since naturally he that wanteth most, will speak first.



V. Another thing necessary to the making a fair Bargain is, that let the Parties who treat, be they never so unequal in themselves, yet as to the particular thing proposed, there must be an *equal Equality*, as far as it relateth to the full Liberty of *Taking or Refusing, Concurring or Objecting*, without any consequence of *Revenge*, or so much as *Dissatisfaction*; for it is impossible to *treat* where it is an *Affront to differ*; in that Case there is no mean between the two Extremes, either an open Quarrel, or an intire Submission; the *Way of Bargaining* must be equal, else the Bargain it self cannot be so: For Example, the *Proposer* is not only to use *equal Terms* as to the *Matter*, but *fair ones in the Manner* too. There must be no Intimations of *Anger* in case of *Refusal*, much less any open *Threatning*. Such a *Stile* is so ill suited to the usual way of *Treating*, that it looketh more like a Breach of the *Peace*, than the making a Bargain. It would be yet more improper, and less agreeing with the Nature of an *Equivalent*, if, whilst two Men are a chaffering about the *Price*, one of them should actually *take* the thing in question at his *own Rate*, and afterwards desire to have his *Possession confirmed* by a formal Agreement; such a *Proceeding* would not only *destroy* that *Particular Contract*, but make it impossible to have any other, with the *Party* that could be guilty of such a *Practice*.

VI. *Violence* preceding, destroyeth all Contracts, and even though the Party that offereth it should have a right to the thing he so taketh, yet it is to be obtained by *legal Means*, else it may be *forfeited* by his *Irregularity* in the Pursuit of it: The *Law* is such an Enemy to *Violence*, and so little to be reconciled to it, that in the Case of a *Rape*, the Punishment is not taken off, tho the Party injured afterward consenteth. The Justice of the Law hath its Eye upon the first Act, and the Maxim of *Volenti non fit injuria*, doth not in this Case help the Offender, it being a *Plea subsequent* to the Crime, which maketh it to be rejected as a thing wrong dated, and out of time.

In taking away Goods or Money it is the same thing: The Party Robbed, by giving them afterwards to the Taker, does not exempt him from the Punishment of the *Violence*: Quite contrary, the Man from whom they were taken is punishable, if he doth not *Prosecute*. If the Case should be, that a Man thus taking away a thing without Price, claimeth a Right to take it, then whether it is well or ill founded is not the Question; but sure, the Party from whom it is so taken, whilst he is treating to *Sell or Exchange* it, can never make a Bargain with so arbitrary a Chapman, there being no Room left after that to talk of the Value.

VII. To make an equal Bargain there must be a Liberty of *differing*, not only in every thing that is *really Essential*, but in every thing that is *thought so* by either Party, and most especially by him who is in *Possession* of the thing demanded: His *Opinion* must be a *Rule* to him, and even his *Mistake* in the Value, though it may not convince the Man he hath to deal with, yet he will be justified for not accepting what is offered, till that *Mistake* is fairly rectified and overruled.

When a *Security* is desired to be *changed*, that Side which *desireth* it must not pretend to *impose* upon the other, so as to dictate to them, and tell them without debate, that they are *safe* in what is proposed, since of that the Counsel on the other Side must certainly be the most *competent Judges*. The *Hand* it cometh from is a great Circumstance, either to invite or discourage in all Matters of Contract; the Qualifications of the *Party offering*, must suit with the *Proposition* it self, else let it be never so fair, there is Ground for *Suspicion*.

VIII. What Men are of a Temper, that they think they have *Wrong* done them, if they have not always the better side of a Bargain: If they happen to be such, as by Experience have been found to have an *ill Memory* for their *Word*. If the Character they bear, doth not recommend their *Justice*, where ever their *Interest* is concern'd. In these Cases, thinking Men will avoid Dealing, not only to prevent *Surprize*, but to cut off the Occasions of *Difficulty* or *Dispute*.

It is yet more *discouraging*, when there are, either a *precedent Practice*, or *standing Maxims* of *gross Partiality*, in assuming a Privilege of *Exemption* from the usual Methods of *equal Dealing*.

To illustrate this by an Instance. Suppose that in any Case, the Church of *Rome* should have an *Interest* to promote a Bargain; let her *way of Dealing* be a little examin'd, which will direct those with whom she treateth, how far they are to rely upon what she *proposeth* to them. We may begin with the *Quality* in the World, the least consisting with *equal Dealing*, viz. An *incurable Partiality to herself*; which, that it may arrive to its full Perfection, is crowned with *Infidelity*. At the first setting out, she maketh her self incapable of dealing upon Terms of *Equality*, by the Power she claimeth of *Binding and Loosing*, which hath been so often applied to *Treaties*, as well as to *Sins*.

If the Definition of *Justice* is to deal *equally*, she cannot be guilty of it without *betraying her Privilege*, and according to her Principles, she giveth up the Superiority derived to her by *Apptical Succession*, if she degradeth her self so as to be judged by the Rules of *Common Right*, especially if the Bargain should be with *Hereticks*, who in her Opinion have *forfeited* the Claim they might otherwise have had to it.

IX. Besides, her Taste hath been so spoiled by *unreasonable Bargains*, that she can never bring down her Palate to any thing that is *Fair or Equal*. She hath not only judg'd it an *Equivalent*, but a *great Bargain* for the other side, to give them *Absolutions* and *Indulgences* for the real Payment of great Sums, for which she hath drawn Bills to have them repayed with Interest in *Purgatory*.

This *Spiritual Bank* hath carried on such a Trade upon these *advantageous Terms*, that it can never submit to the small Profits an *ordinary Bargain* would produce.

The several Popes have in Exchange for the *Peter-Pence*, and all their other *Rents* and *Fines* out of *England*, sent *sanctified Refes*, *Reliques*, and other such *Wonder-working Trifles*. And by Virtue of their Character of *Holy Fathers*, have used Princes like *Children*, by sending them such *Rattles* to play with, which they made them buy at extravagant Rates; besides which, they were to be thankful too, into the Bargain.

A Chip of the Cross, a Piece of *St. Lawrence's Grid-iron*, a Hair of *St. Peter*, have been thought *Equivalents* for much more *substantial* things. The Popes being Masters of the *Jewel-Houle*, have set the Rates upon them, and they have passed; though the whole Shop would not take up the Value of a Bodkin in *Lombardstreet* upon the Credit of them.

They are *unconscionable Purchasers*, for they get all the Money from the *Living*, by praying for them when they are *dead*. And it is observable, that the Northern Part of *Christendom*, which best understandeth Trade, were the first that *refused* to make any more Bargains with them; so that it looketh as if the chief Quarrel to the *Hereticks* was not as they were *ill Christians*, but as they were *unkind Merchants*; in so discourteously rejecting the Commodities of the Growth of *Rome*.

To conclude this Head, There is no bartering with *Infallibility*, it being so much *above Equality*, that it cannot bear the Indignity of a *true Equivalent*.

X. In all Bargains, there is a Necessity of looking back, and reflecting how far a *present Proposal* is reconcileable with a *former Practice*: For Example, if at any time a thing is offered, quite differing from the *Arguments* used by the *Proposer*, and inconsistent with the *Maxims* held out by him at other times. Or in a publick Case, if the *same Men* who promote and press a thing with the *utmost Violence*, do in a little time after with *as much Violence* press the contrary, and profess a *Detestation* of the *very thing*, for which they had before employed *all their Interest* and *Authority*. Or if in the Case of a Law already made, there should be a Privilege claimed to exempt those from the Obligation of observing it, who yet should afterwards desire and press to have a *new Law* made in exchange for the *old one*, by which they would not be bound; and that they should propose a *Security* by a thing of the very same Nature as that which they did not allow to be any before. These *Incoherences* must naturally have the Effect of raising *Suspicion*, or rather they are a certain *Proof*, that in such Circumstances it is *irrational* for Men to expect an *effectual Equivalent*.

XI. If whatsoever is more than *ordinary* is *suspicious*, every thing that is unnatural is more so: It is not only *unnecessary* but *unnatural* too to persuade with *Violence* what it is *Folly* to refuse; to push Men with Eagerness into a good Bargain for themselves, is a *Stile* very much unsuitable to the Nature of the thing. But it goeth further, and is yet more absurd, to grow *angry* with Men for not receiving a *Proposal* that is for their Advantage; Men ought to be content with the Generosity of offering good Bargains, and should give their *Compassion* to those who do not understand them: but by carrying their good Nature so far as to be *Cholerick* in such a Case, they would follow the Example of the Church of *Rome*, where the Definition of *Charity* is very extraordinary. In her Language, the *Writ de Hæretico Comburendo* is a *Love-Letter*, and burning Men for differing with them in Opinion, howsoever miscalled *Cruelty*, is as they understand it, the *Perfection* of flaming *Charity*.

When *Anger* in these Cases lasteth long, it is most probable that it is for our own Sakes; Good Nature for others is one of those Diseases that is cured by Time, and especially where it is offered and rejected; but for our selves it never faileth, and cannot be extinguished but with our Life. It is fair if Men can believe that their Friends love them next to themselves, to love them better is too much; the Expression is so *unnatural*, that it is *cloying*, and Men must have no Sense, who in this case have no *Suspicion*.

XII. Another Circumstance necessary to a fair Bargain, is, That there must be *Openness* and *Freedom* allowed, as the Effect of that *Equality* which is the Foundation of Contracting. There must be full Liberty of *Objecting*, and making *Doubts* and *Scruples*: If they are such as can be answered, the Party convinced is so much the more confirmed and encouraged to deal, instead of being hindered by them; but if instead of an Answer to satisfy, there is nothing but *Anger* for a Reply, it is impossible not to conclude that there is never a good one to give; so that the Objection remaining, without being fully confuted, there is an absolute Bar put to any further Treaty.

There can be no Dealing where one side assumeth a Privilege to impose, so as to make an Offer and not bear the Examination of it; this is giving Judgment, not making a Bargain. Where

it is called *unmannerly to object*, or *criminal to refuse*, the surest way is for Men to stay where they are, rather than treat upon such Disadvantages.

If it should happen to be in any Country where the governing Power should allow Men *Liberty of Conscience* in the Choice of their Religion, it would be strange to deny them *Liberty of Speech* in making a Bargain. Such a Contradiction would be so discouraging, that they must be *unreasonably sanguine*, who in that case can entertain the Hopes of a *fair Equivalent*.

XIII. An equal Bargain must not be a *Mystery* nor a *Secret*, The Purchaser or Proposer is to tell *directly and plainly*, what it is he intendeth to give in Exchange for that which he requireth. It must be *viewed and considered* by the other Party, that he may judge of the Value; for without knowing what it is, he cannot determine whether he shall take or leave it. An Assertion in general, that it shall be as good, or a better thing, is not in this a *sufficient* Excuse for the Mistake of Dealing upon such uncertain Terms. In all things that are dark, and not enough explained, *Suspicion* naturally followeth: A *Secret* generally implieth a *Defect* or a *Deceit*; and if a *false Light* is an Objection, no *Light* at all is yet a greater. To pretend to give a better thing, and to refuse to shew it, is very near saying, it is *not so good* a one; at least so it will be taken in common construction. A *Mystery* is yet a more discouraging thing to a *Protestant*; especially if the Proposition should come from a *Papist*; it being one of his great Objections to that Church, that there are so many of them *Invisible* and *Impossible*, which are so violently thrust upon their Understandings; that they are overlaid with them. They think that *rational Creatures* are to be convinced only by *Reason*, and that *Reason* must be *visible* and *freely exposed*; else they will think themselves used with *Contempt*, instead of *Equality*, and will never allow such a *suspected Secrecy* to be a fit Preface to a *real Equivalent*.

XIV. In Matters of Contract, not only the present Value, but the *Contingencies* and *Consequences*, as far as they can be fairly supposed, are to be considered. For Example, if there should be a *Possibility*, that one of the Parties may be ruined by *Accepting*, and the other only *disappointed* by his *Refusing*; the Consequences are so *extremely unequal*, that it is not imaginable a Man should take that for an *Equivalent*, which hath such a *fatal Impossibility* at the Heels of it.

If it should happen in a *publick Case*, that such a *Proposal* should come from the *minor Part* of an Assembly or Nation, to the *greater*; it is very just, that the *Hazard* of such a *Possibility* should more or less likely fall upon the *lesser Part*, rather than upon the *greater*; for whose Sake and Advantage, things are and must be calculated in all *publick Constitutions*. Suppose in any mixed Government, the *chief Magistrate* should propose upon a *Condition*, in the *Senate*, *Diet*, or other *Supreme Assembly*, either to Enact or Abrogate one or more Laws; by which a *Possibility* might be let in of *destroying* their Religion and Property, which in other Language signifieth no less than Soul and Body; where could be the *Equivalent* in the Case, not only for the *real Loss*, but even for the *Fear* of losing them? Men can fall no lower than to *lose all*, and if *losing all* destroyeth them, the *venturing all* must fright them.

In an Instance when Men are secure, that how far soever they may be over run by *Violence*, yet they can never be undone by *Law*, except they give their Assilance to make it possible; tho it should neither be likely, nor intended, still the *Consequence* which may happen is too big for any present thing to make amends for it. Whilst the Word *Possible* remaineth, it must *forbid* the Bargain. Where-ever it falleth out therefore, that in an Example of a publick Nature, the Charging, Enacting, or Repealing a Law, may naturally tend to the *Misplacing* the Legislative Power in the Hands of those who have a *separate Interest* from the Body of a People, there can be no *Treating*, till it is demonstrably made out, that such a *Consequence* shall be *absolutely impossible*: for if that shall be *denied* by those who make the Proposal, it is because they cannot do it, the Motion at first was very *unfair*. If they can and will not, it would be yet less reasonable to expect that such *partial Dealers* would ever give an *Equivalent* fit to be accepted.

XV. It is necessary in all Dealing to be assured, in the first place, that the Party proposing is in a *Condition* to make good his Offer; that he is neither under any former Obligations or pretended Claims, which may render him incapable of performing it; else he is so far in the Condition of a *Minor*, that whatever he disposeth by Sale or Exchange, may be afterwards resumed, and the Contract become void, being *originally defective*, for want of *sufficient legal Power* in him that made it.

In the Case of a strict Settlement, where the Party is only *Tenant for Life*, there is no possibility of treating with one under such Fetters; no Purchase or Exchange of Lands, or any thing else can be good, where there is such an *Incapacity* of making out a Title; the Interest vested in him being so *limited*, that he can do little more than pronounce the Words of a Contract, he can by no means perform the *Effect* of it.



In more publick Instances; the *Impossibility* is yet more express; as suppose in any Kingdom, where the *People* have so much Liberty left them, as that they may make Contracts with the *Crown*, there should be some *peculiar Rights* claimed to be so fixed to the Royal Function, that no King for the time being could have Power to part with them, being so *fundamentally* tied to the Office, that they can never be separated. Such *Rights* can upon no occasion be received in *Exchange* for any thing the *Crown* may desire from the *People*: That can never be taken in Payment, which cannot lawfully be given, so that if they should part with that which is required upon those Terms, it must be a *Gift*, it cannot be a *Bargain*.

There is not in the whole *Dictionary* a more untractable Word than *Inherent*, and less to be reconciled to the Word *Equivalent*.

The Party that will contract in spite of such a Claim, is content to take what is impossible to grant, and if he complaineth of his Disappointment, he neither can have Remedy, nor deserveth it.

If a Right so claimed happeneth to be of so comprehensive a Nature, as that by a clear Inference it may extend to every thing else, as well as to the particular Matter in question, as often as the Supreme Magistrate shall be so disposed, there can in that case be no Treating with a Prerogative that swalloweth all the Right the *People* can pretend to; and if they have no Right to any thing of which they are possessed, it is a *Jest* and not a *Bargain*, to observe any Formality in parting with it.

A Claim may be so stated, that by the Power and Advantage of Interpreting, it shall have such a murdering Eye, that if it looketh upon a Law, like a *Bastard*, it shall strike it dead: Where is the Possibility of Treating, where such a Right is assumed? Nay, let it be supposed, that such a Claim is not well founded in Law, and that upon a free Disquisition it could not be made out; yet even in this Case, none that are well advised, will conclude a Bargain till it is fully stated and cleared, or indeed, so much as engage in a Treaty, till by way of preliminary all possibility shall be removed of any Trouble or Dispute.

XVI. There is a collateral Circumstance in making a Contract, which yet deserveth to be considered, as much as any thing that belongeth to it; and that is the Character and Figure of the Parties contracting; if they treat only by themselves, and if by others, the Qualifications of the Instruments they employ.

The Proposer especially, must not be so low, as to want Credit, or so raised, as to carry him above the Reach of ordinary Dealing. In the first, There is Scandal, in the other, Danger. There is no Rule without some Exception, but generally speaking, the Means should be suited to the End; and since all Men who treat, pretend an equal Bargain, it is desirable that there may be Equality in the Persons, as well as in the Thing.

The Manner of doing things hath such an Influence upon the Matter, that Men may guess at the End by the Instruments that are used to obtain it, who are a very good Direction how far to rely upon, or suspect the Sincerity of that which is proposed. An Absurdity in the way of carrying on a Treaty in any one Circumstance, if it is very gross, is enough to persuade a thinking Man to break off, and take warning from such an ill Appearance. Some things are so glaring, that it is impossible to see, and consequently not to suspect them; as suppose in a private Case there should be a Treaty of Marriage between two Honorable Families, and the proposing side should think fit to send a Woman that had been Cursed to persuade the young Lady to an Approbation and Consent; the unfitness of the Messenger must naturally dispose the other Party to distrust the Message, and to resist the Temptation of the best Match that could be offered, when conveyed by that Hand, and ushered in by such a discouraging Preliminary.

In a publick Instance, the Suspicion arising from unfit Mediators, still groweth more reasonable in Proportion as the Consequence is much greater of being deceived. If a Jew should be employed to solicit all sorts of Christians to unite and agree; the Contrariety of his Profession, would not allow Men to stay till they heard his Arguments, they would conclude from his Religion, that either the Man himself was mad, or that he thought close to be so, whom he had the Impudence to endeavour to persuade.

Or suppose an *Adamite* should be very sollicitous and active, in all places, and with all sorts of Persons, to settle the Church of England in particular, and a fair Liberty of Conscience for all Dissenters; though nothing in the World has more to be said for it than naked Truth, yet if such a Man should run up and down without Cloaths, let his Arguments be never so good, or his Commission never so Authentick, his Figure would be such a Contradiction to his Business, that how serious soever that might be in it self, his Interposition would make a Jest of it.

Though it should not go so far as this, yet if Men have Contrarieties in their Way of Living, not to be reconciled; as if they should pretend infinite Zeal for Liberty, and at that time be in great Favour, and employed by those who will not endure it.

If they are effectually singular, and conform to the Generality of the World in no one thing, but in playing the Knave.

If *Demonstration* is a familiar Word with them, most especially where the thing is impossible.

If they quote *Authority* to supply their Want of *Sense*, and justify the Value of their Arguments, not by *Reason*, but by their being paid for them (in which, by the way, those who pay them have probably a very melancholly Equivalent.) If they brandish a *Prince's Word* like a Sword in a Crowd, to make way for their own *Impertinence*; and in dispute, as Criminals formerly fled to the *Stance* of the Prince for Sanctuary; if they should now, when baffled, creep under the Protection of a *Kings Name*, where out of respect they are no further to be pursued.

In these Cases, Though the Propositions should be really good, they will be corrupted by passing through such *Conduits*, and it would be a sufficient *Mistake* to enter into a *Treaty*; but it would be little less than *Madness* from such Hands to expect an *Equivalent*.

XVII. Having touched upon these Particulars as necessary in order to the stating the Nature of an equal Bargain, and the Circumstances belonging to it, let it now be examined in two or three Instances, what things are not to be admitted by way of Contract, to pass under the Name of an *Equivalent*.

First, Though it will be allowed, that in the general Corruption of Mankind, which will not admit *Justice* alone to be a sufficient Tye to make good a Contract, that a *Punishment* added for the Breach of it, is a *fixing*, or rather a *necessary* Circumstance; yet it does not follow, that in all Cases, a great Penalty upon the Party offending, is an *absolute* and *entire* Security. It must be considered in every particular Case, how far the *Circumstances* may rationally lead a Man to rely more or less upon it.

In a private Instance, the Penalty inflicted upon the Breach of Contract must be, First, such a one as the Party injured can enforce, and Secondly, such a one as he will enforce, when it is in his Power.

If the Offending Party is in a capacity of binding the other from bringing the Vengeance of the Law upon him. If he hath *Strength* or *Privilege* sufficient to over-ride the Letter of the Contract; in that Case a Penalty is but a Word, there is no Consequence belonging to it. Secondly, The *Forfeiture* or *Punishment* must be such as the Man aggrieved will take: For Example, if upon a Bargain, one of the Parties shall stipulate to subject himself, in case of his Failure to have his *Ears cut*, or his *Nose slit* by the other, with *Security given*, that he shall not be prosecuted for executing this part of the Agreement, the Penalty is heavy enough to discourage a Man from breaking his Contract; but on the other side it is of such a kind, that the other, how much soever he may be provoked, will not in cold Blood care to inflict it. Such an extravagant Clause would seem to be made only for *Show* and *Sound*, and no Man would think himself safer by a thing which one way or other is sure to prove *ineffectual*.

In a publick Case, Suppose a Government so constituted, that a Law may be made in the Nature of a Bargain, it is in it self no more than a dead Letter, the Life is given to it by the Examination of what it containeth; so that let it in its self be never so perfect, it dependeth upon those who are intrusted with seeing it observed.

If it is in any Country where the Chief Magistrate chuseth the Judges, and the Judges interpret the Laws; a Penalty in any one particular Law can have no effect but what is *precarious*. It may have a loud Voice to threaten, but it has not an Hand to give a Blow; for as long as the Governing Power is in possession of this Prerogative, let who will chuse the Meat, if they chuse the Cook, it is they that will give the Taste to it. So that it is clear that the Rigor of a Penalty will not in all cases fix a Bargain, neither is it universally a true Position, that the Increase of Punishment for the Breach of a new Law, is an Equivalent for the Consent to part with an old one.

XVIII. In most Bargains there is a Reference to the time to come, which is therefore to be considered, as well as that which cometh within the Compass of the present Valuation.

Where the Party contracting hath not a full Power to dispose what belongeth on him or them in Reversion, who shall succeed after him in his Right; he cannot make any part of what is so limited to be the Condition of the Contract. Further he cannot enjoyn the Heir or Successor to forbear the Exercise of any Right that is inherent to him, as he is a Man: neither can he restrain him without his own Consent, from doing any Act, which in it self is lawful, and liable to no Objection. For Example, a Father cannot stipulate with any other Man, that in Consideration of such a thing done, or to be done, his Son shall never Marry; because Marriage is an Institution established by the Laws of God and Man, and therefore no Body can be so restrained by any Power from doing such an Act, when he thinketh fit, being warranted by a Authority that is not to be controuled.

XIX. Now as there are Rights inherent in Mens Persons in their single Capacities, there are Rights as much fixed to the Body Politick, which is a Creature that never dieth. For instance, There can be no Government without a Supreme Power, that Power is not always in the same Hands, it is in different Shapes and Dresses, but still where ever it is Lodged, it must be unlimited: It hath Jurisdiction over every thing else; but it cannot have it above it self. Supreme Power can

can be no more limited than *Infinity* can be measured; because it ceaseth to be the thing, its very being is dissolved, when any bounds can be put to it.

Where this Supreme Power is mixed, or divided, the shape only differeth, the Argument is still the same.

The present State of *Venice* cannot restrain those who succeed them in the same power, from having an entire and unlimited Sovereignty; they may indeed make present Laws which shall retrench their present Power, if they are so disposed, and those Laws if not repealed by the same Authority that enacted them, are to be observed by the succeeding Senate till they think fit to abrogate them, and no longer; for if the Supreme Power shall still reside in the Senate, perhaps composed of other Men, or of other minds (which will be sufficient) the necessary consequence is, that one Senate must have as much right to alter such a Law, as another could have to make it.

XX. Suppose the Supreme Power in any State should make a Law, to enjoin all subsequent Law-makers to take an Oath never to alter it, it would produce these following Absurdities.

First, All Supreme Power being instituted to promote the safety and benefit, and to prevent the prejudice and danger which may fall upon those who live under the protection of it; the consequence of such an Oath would be, that all Men who are so trusted, shall take God to witness, that such a Law once made, being judged at the time to be advantageous for the publick, though afterwards by the vicissitude of times, or the variety of accidents or interests, it should plainly appear to them to be destructive, they will suffer it to have its course, and will never repeal it.

Secondly, If there could in any Nation be found a set of Men, who having a part in the Supreme Legislative Power, should as much as in them lieth, betray their Country by such a criminal engagement, so directly opposite to the nature of their Power, and to the Trust reposed in them. If these Men have their power only for life, when they are dead such an Oath can operate no farther; and though that would be too long a Lease for the Life of such a Monster as an Oath so composed, yet it must then certainly give up the Ghost. It could Bind none but the first makers of it, another generation would never be tied up by it.

Thirdly, In those Countries where the Supreme Assemblies are not constant standing Courts, but called together upon occasions, and composed of such as the People chuse for that time only, with a Trust and Character that remaineth no longer with them than that Assembly is regularly dissolved; such an Oath taken by the Members of a Senate, Diet, or other Assembly so chosen, can have very little effect, because at the next meeting there may be quite another set of Men who will be under no Obligation of that kind. The Eternity intended to that Law by those that made it, will be cut off by new Men who shall succeed them in their power, if they have a differing Taste, or another Interest.

XXI. To put it yet further, Suppose a Clause in such a Law, that it shall be criminal in the last degree for any Man chosen in a subsequent Assembly, to propose the repealing it; and since nothing can be Enacted which is not yet first proposed, by this means it seemeth as if a Law might be created which should never die. But let this be Examined.

First, Such a Clause would be so destructive to the being of such a Constitution, as that it would be as reasonable to say, that a King had right to give or sell his Kingdom to a Foreign Prince, as that any number of Men who are intrusted with the Supreme Power, or any part of it, should have a right to impose such shackles upon the Liberty of those who are to succeed them in the same Trust. The ground of that Trust is, that every Man who is chosen into such an Assembly, is to do all that in him lieth for the good of those who chose him. The English of such a Clause would be, that he is not to do his best for those that chose him, because though he should be convinc'd that it might be very fatal to continue that Law, and therefore very necessary to repeal it, yet he must not repeal it, because it is made a Crime, and attended with a Penalty.

But secondly, to shew the emptiness as well as injustice of such a Clause, it is clear, that although such an Invasion of Right should be imposed, it will never be obeyed: There will only be Deformity in the Monster, it will neither sting nor bite. Such Law-givers would only have the honour of attempting a contradiction which can never have any success; for as such a Law in it self would be a madness, so the Penalty would be a Jest; which may be thus made out.

XXII. A Law that carrieth in it self Reason enough to support it, is so far from wanting the protection of such a Clause, or from needing to take such an extraordinary receipt for long Life, that the admitting it must certainly be the likeliest and the shortest way to destroy it; such a Clause in a Law must imply an opinion that the greatest part of mankind is against it, since it is impossible such an exorbitance should be done for its own sake; the end of it must be to fix Men by a Penalty, to that which they could not be persuaded to, whilst their Reason is left at Liberty. This Position being granted, which I think can hardly be denied, put the case that a Law should be made with this imaginary Clause of Immortality, after which another Assembly is chosen



chosen, and if the majority of the *Electors* shall be *against* this Law, the greater part of the *Electors* must be so too, if the choice is fair and regular; which must be presumed, since the supposition of the contrary is not to come within this Argument. When these Men shall meet, the Majority will be visible before-hand of those who are *against* such a Law, so that there will be no hazard to any single Man in proposing the *Repeal* of it, when he cannot be *punished* but by the Majority, and he hath such a kind of assurance as cometh near a Demonstration, that the greater Number will be of his mind, and consequently, that for their own sakes they will secure him from any danger.

For these Reasons, where-ever in order to the making a Bargain, a Proposition is advanced to make a *New Law*, which is to tie up those who neither can nor will be bound by it, it may be a good *Test*, but it will never be a good *Equivalent*.

XXIII. In the last place, let it be examined how far a *Promise* ought to be taken for a *Security* in a Bargain.

There is a great variety of Methods for the *Security* of those that deal, according to their *Dispositions* and *Interests*; some are *binding*, others inducing circumstances, and are to be so distinguished.

First, *Ready Payment* is without exception, so of that there can be no dispute; in default of that, the good Opinion Man may have of one another, is a great ingredient to supply the want of immediate Performances. Where the Trust is grounded upon *Inclination* only, the Generosity is not always returned; but where it sprinketh from a long Experience it is a better foundation, and yet that is not always secure. In ordinary dealing, one *Promise* may be an *Equivalent* to another, but it is not so for a thing actually granted or conveyed; especially if the thing required in exchange for it, is of great value, either in it self or in its consequences. A bare *Promise* as a single *Security* in such a case is not an equal proposal; if it is offered by way of *Addition*, it generally giveth cause to doubt the Title is crazy, where so slender a thing is brought in to be a supplement.

XXIV. The Earnest of making good a *Promise*, must be such a behaviour preceding as may encourage the party to whom it is made to depend upon it: Where instead of that, there hath been want of kindness, and which is worse, an *Invasion* of Right, a *Promise* hath no persuading force; and till the *Objection* to such a proceeding is forgotten (which can only be the work of time) and the skin is a little grown over the tender part, the wound must not be touched. There must be some *Intermission* at least to abate the smart of unkind usage, or else a *Promise* in the Eye of the party injured is so far from strengthening a *Security*, that it raiseth more doubts, and giveth more justifiable cause to suspect it.

A Word is not like a Bone, that being broken and well set again, is said to be sometimes stronger in that very part: It is far from being so in a Word given and not made good. Every single Act either weakeneth or improveth our Credit with other Men; and as an Habit of being just in our Word will confirm, so an Habit of too freely dispensing with it must necessarily destroy it. A *Promise* hath its effect to persuade a man to lay some weight upon it, where the *Promises* hath not only the power, but may reasonably be supposed to have the will of performing it; and further, that there be no visible Intercast of the party promising to excuse himself from it, or to evade it.

All Obligations are comparative, and where they seem to be opposite, or between the greater and the Lesser, which of them ought to have precedence in all respects every man is apt to be his own Judge.

XXV. If it should fall out that the Promiser with full intent at the time to perform, might by the interposition of new Arguments, or differing Advice think himself oblig'd to turn the matter of Conscience on the other side, and should look upon it to be much a greater fault to keep his word than to break it; such a Belief will untye the strictest *Promise* that can be made, and though the Party thus absolving himself should do it without the mixture or temptation of private Interest, being moved to it merely by his Conscience, as then informed; yet how far soever that might diminish the Fault in him, it would in no degree lessen the inconveniences to the party who is disappointed, by the breach of an engagement upon which he relied.

XXVI. A *Promise* is to be understood in the plain and natural sense of the words, and to be sure not in his who made it, if it was given as part of a Bargain. That would be like giving a Man power to raise the value of his Money in the payment of his Debt, by which though he paid but half or less, he might pretend according to the letter to have made good the contract.

The power of interpreting a *Promise* intirely taketh away the virtue of it. A Merchant who should once assume that privilege, would save himself the trouble of making any more Bargains.

It is still worse if this *Jurisdiction* over a Man's *Promise*, should be *lodg'd* in hands that have Power to support such an extraordinary *Claim*; and if in other Cases, for bearing to deal upon these terms is *advisable*, in this it becometh absolutely *necessary*.

XXVII. There must in all respects be a full liberty to *claim* a *Promise*, to make it reasonable to *take* it in any part of payment; else it would be like agreeing for a *Rent*, and at the same time making it *Criminal* to demand it.

A *Superiority* of *Dignity* or *Power* in the Party promising, maketh it a more *tender* thing for the other party to treat upon that security. The first maketh it a *nice* thing to *claim*, the latter maketh it a *difficult* thing to *obtain*.

In some cases, a *Promise* is in the nature of a *Covenant*, and then between *equal* parties the breach of it will bear a *Suit*; but where the *greatness* of the Promiser is very much raised above the Level of *equality*, there is no Forfeiture to be taken. It is so far from the party grieved his being able to *sue* or *recover Damages*, that he will not be allow'd to *explain* or *expostulate*, and instead of his being *relieved* against the breach of *Promise*, he will run the hazard of being *punished* for breach of *Good Manners*. Such a difficulty is putting all or part of the Payment in the Fire, where Men must burn their Fingers before they can come at it.

That cannot properly be called *good payment*, which the party to whom it is due, may not receive with *ease* and *safety*. It was a King's Brother of *England* who refused to lend the Pope money, for this reason, *That he would never take the Bond of one, upon whom he could not distrain*.

The Argument is still *stronger* against the validity of a *Promise*, when the Contract is made between a *Prince* and a *Subject*. The very offering a King's Word in Mortgage, is rather a *threatning* in case of *Refusal*, than an *inducing* Argument to accept it; it is *unfair* at first, and by that giveth greater cause to be cautious, especially if a thing of that *value* and *dignity* as a King's Word ought to be, should be put into the hands of *State-brokers* to strike up a *Bargain* with it.

XXVIII. When God Almighty maketh *Covenant* with Mankind, *His promise* is a *sufficient Security*, notwithstanding his *Superiority* and his *power*; because first, he can neither err nor do *injustice*. It is the *only* Exception to his Omnipotence, that by the Perfection of his being he is incapacitated to do *wrong*. Secondly, at the instant of *His promise*, by the extent of his Foresight which cannot fail, there is no room left for the possibility of any thing to *intervene*, which might *change* his mind. Lastly, he is above the receiving either *Benefit* or *Inconvenience*, and therefore can have no *Interest* or *Temptation* to vary from his Word, when once he hath granted it.

Now though Princes are God's Vicegerents, yet their Commission not being so large as that these *Qualifications* are devolved to them, it is quite another case, and since the offering a Security implyeth it to be *examined* by the party to whom it is proposed, it must not be taken ill that Objections are made to it, even though the Prince himself should be the *immediate Proposer*.

Let a familiar Case be put; Suppose a Prince, tempted by a Passion to strong for him to resist, should descend, so as to promise Marriage to one of his Subjects, and as Men are naturally in great haste upon such occasions, should press to take possession before the *necessary Forms* could be complied with, would the poor Ladies *Scruple* be called *Criminal* for not taking the Security of the Royal Word? Or would her *Allegiance* be tainted by her *resisting* the sacred Person of her Sovereign, because he was impatient of delay? *Courtesie* in this case might persuade her to *accept* it, if she was so disposed, but sure the *just exercise* of Power can never *claim* it.

XXIX. There is one Case where it is more particularly a *Duty* to use very great caution in accepting the security of a *Promise*, and that is, when Men are *Authorized* and *trusted* by others to act for them. This putteth them under much greater restraints, than those who are at liberty to treat for themselves. It is *lawful*, though it is not prudent for any man make an *ill Bargain* for himself, but it is neither the one nor the other, where the party contracting treateth on behalf of another, by whom he is *intrusted*. Men who will unwarily accept an *ill security*, if it is for themselves, forfeit their own discretion, and undergo the Penalty, but they are not responsible to any body else. They lie under the Mortification and the loss of committing the error, by which though they may expose their *Judgment* to some *censure*, yet their *Morality* suffers no reproach by it.

But those who are *deputed* by others to treat for them, upon terms of *best advantage*, though the *Confidence* placed in them should prevent the putting any *limits* to their power in their Commission, yet the *Condition implied*, if not expressed, is, that the Persons so trusted shall neither make an *ill Bargain*, nor accept a *slight Security*.

The Obligation is yet more binding when the Trust is of a *Publick* Nature. The aggravation of disappointing a *Body* of Men that rely upon them, carrieth the Fault as *high* as it can go; and perhaps no Crime of any kind can out do such a *deliberate breach* of *Trust*, or would more justly make Men *forfeit* the protection of *humane Society*.

XXX. I will add one thing more upon this Head, which is, that it is not *always* a true Proposition, that 'tis safe to rely upon a promise, if at the time of making it, it is the Interest of the Promiser to make it good. This, though many times it is a good *balancement*, yet it hath these Exceptions to it. First, if the proposer hath at other times gone plainly *against* his *visible Interest*, the Argument will turn the other way, and his former *Mistakes* are so many *Warnings* to others, not to come within the danger any more: let the Inducements to those Mistakes be never so great and generous, that does not alter the Nature, they are *Mistakes* still.

Interest is an uncertain thing, It goeth and cometh, and varieth according to times and circumstances; as good build upon a *Quick-sand*, as upon a presumption that Interest shall not alter. Where are the Men so distinguished from the rest of Mankind, that it is impossible for them to mistake their Interest? Who are they that have such an Exemption from human frailty, as that it can never happen to them not to see their Interest for want of Understanding, or not to leap over it by excess of Zeal.

Above all, *Princes* are most liable to mistake; not out of any defect in their Nature, which might put them under such an unfortunate distinction; quite contrary, the blood they derive from great and wise Ancestors, does rather distinguish them on the better side; besides that their great Character and Office of Governing, giveth a noble Exercise to their Reason, which can very hardly fail to raise and improve it. But there is one Circumstance annexed to their Glorious Calling, which in this Respect is sufficient to outweigh all those Advantages; it is that Mankind, divided in most things else, agree in this, to conspire in their Endeavours to deceive and mislead them, which maketh it above the Power of human Understanding, to be so exactly guarded, as never to admit a Surprise, and the highest Applause that could ever yet be given to the greatest Men that ever wore a Crown, is that they were no *finer deceived*.

Thus I have ventured to lay down my Thoughts of the Nature of a *Bargain*, and the *due Circumstances* belonging to an *Equivalent*, and will now conclude with this short Word. "Where *Dis trusting* may be the Cause of provoking *Anger*, and *Trusting* may be the Cause of bringing *Ruine*, the Choice is too easie to need the being explained.

A

# LETTER

From a Gentleman in the City, To his Friend in the Country. Containing his Reasons for not Reading the Declaration.

S I R,

I Do not wonder at your Concern for finding an Order of Council published in the *Gazette* for Reading the King's Declaration for Liberty of Conscience in all Churches and Chapels in this Kingdom. You desire to know my Thoughts about it, and I shall freely tell them; for this is not a time to be reserved. Our Enemies who have given our Gracious King this Counsel against us, have taken the most effectual way, not only to ruine us, but to make us appear the Instruments of our own Ruine, that what Course soever we take, we shall be undone; and one side or other will conclude that we have undone our selves, and fall like Fools.

To lose our Livings and Preferments, nay, our Liberties and our Lives in a plain and direct Opposition to Popery, as suppose for refusing to read Mass in our Churches, or to swear to the *Trent-Creed*, is an honorable way of falling, and has the Divine Comforts of Suffering for Christ and his Religion; and I hope there is none of us but can cheerfully submit to the Will of God in it. But this is not our present Case; to read the Declaration, is not to read the Mass, nor



nor to profess the *Remiss* Faith; and therefore, some will judge that there is no hurt in Reading it, and that to suffer for such a Refusal, is not to fall like Confessors, but to suffer as Criminals for disobeying the Lawful Commands of our Prince; but yet we judge, and we have the concurring Opinions of all the Nobility and Gentry with us, who have already suffered in this Cause, that to take away the Test and Penal Laws at this time, is but one step from the introducing of Popery; and therefore to read such a Declaration in our Churches, though it do not immediately bring Popery in, yet it sets open our Church Doors for it, and then it will take its own time to enter: So that should we comply with this Order, all good Protestants would despise and hate us, and then we may be easily crushed, and shall soon fall with great Dishonour, and without any Pity. This is the Difficulty of our Case; we shall be censured on both sides, but with this Difference: We shall fall a little sooner by not Reading the Declaration, if our Gracious Prince resent this as an Act of an obstinate and peevish, or factious Disobedience, as our Enemies will be sure to represent it to him; We shall as certainly fall, and not long after, if we do read it, and then we shall fall unpitied and despised, and it may be with the Curses of the Nation, whom we have ruined by our Compliance; and this is the way never to rise more: And may I suffer all that can be suffered in this World, rather than contribute to the final Ruine of the best Church in the World.

Let us then examine this Matter impartially, as those who have no mind either to ruin themselves, or to ruin the Church: I suppose no Minister of the Church of *England* can give his Consent to the Declaration. Let us then consider, whether Reading the Declaration in our Churches be not an Interpretative Consent, and will not with great Reason be interpreted to be so: For,

*First*, By our Law all Ministerial Officers are accountable for their Actions: The Authority of Superiors, though of the King himself, cannot justify inferior Officers, much less the Ministers of State, if they should execute any illegal Commands; which shews that our Law does not look upon the Ministers of Church or State to be meer Machines and Tools, to be managed wholly by the Will of Superiors, without exercising any Act of Judgment or Reason themselves; for then inferior Ministers were no more punishable, than the Horses are, which draw an innocent Man to Tyburn: and if inferior Ministers are punishable, then our Laws suppose that what we do in obedience to Superiors, we make our own Act by doing it, and I suppose that signifies our Consent, in the Eye of the Law, to what we do. It is a Maxime in our Law, *That the King can do no Wrong*; and therefore if any Wrong be done, the Crime and Guilt is the Ministers who does it: for the Laws are the King's publick Will, and therefore he is never supposed to command any thing contrary to Law; nor is any Minister, who does an illegal Action, allowed to pretend the King's Command and Authority for it: and yet this is the only Reason I know, why we must not obey a Prince against the Laws of the Land, or the Laws of God, because what we do, let the Authority be what it will that commands it, becomes our own Act, and we are responsible for it; and then as I observed before, it must imply our own Consent.

*Secondly*, The Ministers of Religion have a greater Tye and Obligation than this, because they have the Care and Conduct of Mens Souls, and therefore are bound to take Care that what they publish in their Churches, be neither contrary to the Laws of the Land, nor to the Good of the Church: For the Ministers of Religion are not look'd upon as Common Cryers, but what they Read, they are supposed to recommend too, though they do no more than Read it; and therefore to read any thing in the Church, which I do not consent to and approve, nay, which I think prejudicial to Religion, and the Church of God, as well as contrary to the Laws of the Land, is to misguide my People, and to dissemble with God and Men; because it is presum'd, that I neither do, nor ought to read any thing in the Church, which I do not in some degree approve. I indeed, let Mens private Opinions be what they will, in the Nature of the thing, he that reads such a Declaration to his People, teaches them by it: For is not Reading Teaching? Suppose then I do not consent to what I read, yet I consent to Teach my People what I Read: and herein is the Evil of it; for it may be it were no Fault to Consent to the Declaration; but if I consent to Teach my People what I do not consent to my self, I am sure that is a great one: And he who can distinguish between consenting to Read the Declaration, and consenting to Teach the People by the Declaration, when Reading the Declaration is teaching it, has a very subtle Distinguishing Conscience. Now if consenting to Read the Declaration be a Consent to Teach it my People, then the natural Interpretation of Reading the Declaration is, That he who Reads it in such a solemn Teaching-manner, Approves it. If this be not so, I desire to know, why I may not read an Homily for Transubstantiation, or Invocation of Saints, or the Worship of Images, if the King sends me such good Catholick Homilies,

milies, and commands me to read them? And thus we may instruct our People in all the Points of Popery, and recommend it to them with all the Sophistry and Artificial Insinuations, in Obedience to the King, with a very good Conscience, because without our Consent: If it be said, this would be a Contradiction to the Doctrine of our Church by Law established; so I take the Declaration to be: And if we may read the Declaration contrary to Law, because it does not imply our Consent to it; so we may Popish Homilies, for the bare Reading them will not imply our Consent, no more than the Reading the Declaration does: But whether I consent to the Doctrine or no, it is certain I consent to teach my People this Doctrine; and it is to be considered, whether an honest Man can do this.

Thirdly, I suppose no Man will doubt, but the King intends that our Reading the Declaration should signify to the Nation, our Consent and Approbation of it; for the Declaration does not want Publishing, for it is sufficiently known already: but our Reading it in our Churches must serve instead of Addresses of Thanks, which the Clergy generally refused, though it was only to Thank the King for his Gracious Promises renewed to the Church of England, in His Declaration, which was much more innocent, than to publish the Declaration it self in our Churches. This would persuade one, that the King thinks our Reading the Declaration, to signify our Consent, and that the People will think it to be so. And he that can satisfy his Conscience, to do an Action without Consent, which the Nature of the Thing, the Design, and Intention of the Command, and the Sense of the People expound to be a Consent, may, I think, as well satisfy himself with Equivocations and mental Reservations.

There are two things to be answered to this, which must be considered.

1. That the People understand our Minds, and see that this is Matter of Force upon us, and not Obedience to the King. To which I answer,

1. Possibly the People do understand that the Matter of the Declaration is against our Principles: But is this any Excuse, that we read that, and by Reading, recommend that to them, which is against our own Consciences and Judgments? Reading the Declaration would be no Fault at all, but our Duty, when the King commands it, did we approve of the Matter of it; but to consent to teach our People such Doctrines as we think contrary to the Laws of God, or the Laws of the Land, does not lessen, but aggravate the Fault, and the People must be very good natured to think this an Excuse.

2. It is not likely that all the People will be of a Mind in this Matter, some may excuse it, others, and those it may be the most, the best, and the wisest Men, will condemn us for it, and then how shall we justify our selves against their Censures? when the World will be divided in their Opinions, the plain way is certainly the best, to do what we can justify our selves, and then let Men judge as they please. No Men in England will be pleased with our Reading the Declaration, but those who hope to make great Advantage of it against us, and against our Church and Religion: others will severely condemn us for it, and censure us as false to our Religion, and as Betrayers both of Church and State: and besides that, it does not become a Minister of Religion, to do any thing, which in the Opinion of the most charitable Men can only be excused; for what needs an Excuse, is either a Fault, or looks very like one; besides this, I say, I will not trust Mens Charity; those who have suffered themselves in this Cause, will not excuse us for fear of suffering; those who are inclined to excuse us now, will not do so when they consider the thing better, and come to feel the ill Consequences of it: when our Enemies open their Eyes, and tell them what our Reading the Declaration signified, which they will then tell us we ought to have seen before, though they were not bound to see it; for we are to guide and instruct them, not they us.

II. Others therefore think, that when we read the Declaration, we should publicly profess, that it is not our own Judgment, but that we only Read it in Obedience to the King, and then our Reading it cannot imply our Consent to it: Now this is only *Protestatio contra factum*, which all People will laugh at, and scorn us for: for such a solemn Reading it in time of Divine Service, when all Men ought to be most grave and serious, and far from dissembling with God or Men, does in the Nature of the thing imply our Approbation; and should we declare the contrary, when we read it, what shall we say to those who ask us, why then do you read it? But let those who have a mind to try this way, which, for my part, I take to be a greater and more unjustifiable Provocation of the King, than not to read it; and, I suppose those who do not read it, will be thought plainer and honest Men, and will escape as well as those who read it and protest against it: and yet nothing less than an express Protestation against it will

false this Matter ; for only to say, they read it merely in Obedience to the King, does not express their Dissent : It signifies indeed, that they would not have read it, if the King had not commanded it ; but these Words do not signify, that they disapprove of the Declaration, when their Reading it, though only in Obedience to the King, signifies their Approbation of it as much as Actions can signify a Consent : let us call to mind how it fared with those in King Charles the First's Reign, who read the *Book of Sports*, as it was called, and then preached against it.

To return then to our Arguments ; if Reading the Declaration in our Churches be in the Nature of the Action, in the Intention of the Command, in the Opinion of the People, an interpretative Consent to it, I think my self bound in Conscience not to read it, because I am bound in Conscience not to approve it :

It is against the Constitution of the Church of *England*, which is established by Law, and to which I have subscribed, and therefore am bound in Conscience to Teach nothing contrary to it, while this Obligation lasts.

It is to teach an unlimited and universal Toleration, which the Parliament in 72. Declared illegal, and which has been condemned by the Christian Church in all Ages :

It is to teach my People, that they need never come to Church more ; but have my free Leave, as they have the King's, to go to a Conventicle or Mass.

It is to teach the Dispensing Power, which alters, what has been formerly thought the whole Constitution of this Church and Kingdom, which we dare not do, till we have the Authority of Parliament for it.

It is to recommend to our People, the Choice of such Persons to sit in Parliament ; as shall take away the *Test* and *Penal Laws*, which most of the Nobility and Gentry of the Nation have declared their Judgment against.

It is to condemn all those great and worthy Patriots of their Country, who forfeited the dearest thing in the World to them, next a good Conscience, viz. The Favour of their Prince, and a great many honorable and profitable Employments with it, rather than consent to that Proposal of taking away the *Test* and *Penal Laws*, which they apprehend destructive to the Church of *England* and the Protestant Religion ; and he who can in Conscience do all this, I think need scruple nothing.

For let us consider further, what the Effects and Consequences of our Reading the Declaration are likely to be, and I think they are Matter of Conscience too, when they are evident and apparent.

This will certainly render our Persons and Ministry infinitely contemptible, which is against that Apostolical Canon, *Let no Man despise thee*, Titus 2. 15. That is, so to behave himself in his Ministerial Office, as not to fall under Contempt ; and therefore this obliges the Conscience, not to make our selves ridiculous, nor to render our Ministry, our Counsels, Exhortations, Preaching, Writing, of no Effect, which is a thousand times worse than being silenced : Our Sufferings will preach more effectually to the People, when we cannot speak to them : but he who for Fear or Cowardise, or the Love of this World, betrays his Church and Religion by undue Compliances, and will certainly be thought to do so, may continue to Preach, but to no purpose ; and when we have rendered our selves ridiculous and contemptible, we shall then quickly fall, and fall unpitied.

There is nothing will so effectually tend to the final Ruine of the Church of *England*, because our Reading the Declaration will discourage, or provoke, or misguide all the Friends the Church of *England* has : can we blame any Man for not preserving the Laws and the Religion of our Church and Nation, when we our selves will venture nothing for it ? Can we blame any Man for consenting to Repeal the *Test* and *Penal Laws*, when we recommend it to them by Reading the Declaration ? Have we not reason to expect, that the Nobility and Gentry, who have already suffered in this Cause, when they hear themselves condemned for it in all the Churches of *England*, will think it time to mend such a Fault, and reconcile themselves to their Prince ? and if our Church fall this way, is there any reason to expect that it should ever rise again ? These Consequences are almost as evident as Demonstrations, and let it be what it will in it self, which I foresee will destroy the Church of *England* and the Protestant Religion and Interest, I think I ought to make as much Conscience of doing it, as of doing the most immortal Action in Nature

To say that these mischievous Consequences are not absolutely necessary, and therefore do not affect the Conscience, because we are not certain they will follow, is a very mean Objection : Moral Actions indeed have not such necessary Consequences, as natural Causes have necessary Effects, because no moral Causes act necessarily : Reading the Declaration, will not as necessarily destroy the Church of *England*, as Fire burns Wood, but if the Consequence be plain



plain and evident, the most likely thing that can happen, if it be unreasonable to expect any other, if it be what is plainly intended and designed, either I must never have any regard to Moral Consequences of my Actions, or if ever they are to be considered, they are in this case.

Why are the Nobility and Gentry so extremely averse to the Repeal of the Test and Penal Laws? Why do they forfeit the King's Favour, and their Honourable Stations, rather than comply with it? If you say that this tends to destroy the Church of England and the Protestant Religion, I ask whether this be the necessary consequence of it? whether the King cannot keep his promise to the Church of England if the Test and Penal Laws be Repealed? We cannot say, but this may be: And yet the Nation does not think fit to try it; and we commend those great men who deny it; and if the same questions were put to us, we think we ought in Conscience to deny them our selves: And are there not as high probabilities, that our Reading the Declaration will promote the Repeal of the Test and Penal Laws, as that such a Repeal will ruine our Constitution, and bring in Popery upon us? Is it not as probable, that such a compliance in us, will disoblige all the Nobility and Gentry, who have hitherto been firm to us, as that when the power of the Nation is put into Popish Hands, by the Repeal of such Tests and Laws, the Priests and Jesuits may find some *salvo* for the King's Conscience, and persuade him to forget his Promise to the Church of England? and if the probable ill consequences of Repealing the Test and Penal Laws, be a good reason not to comply with it, I cannot see but that the as probable ill consequences of Reading the Declaration, is as good a reason not to read it.

The most material Objection is, that the Dissenters, whom we ought not to provoke, will expound our not Reading it, to be the effect of a persecuting Spirit: Now I wonder Men should lay any weight on this, who will not allow the most probable consequences of our Actions, to have any influence upon Conscience: For if we must compare consequences, to disoblige all the Nobility and Gentry by reading it, is likely to be much more fatal, than to anger the Dissenters, and it is more likely, and there is much more reason for it, that one should be offended than the other: For the Dissenters who are wise and considering, are sensible of the snare themselves, and though they desire Ease and Liberty, they are not willing to have it with such apparent hazard of Church and State: I am sure that tho' we were never so desirous that they might have their Liberty, (and when there is opportunity of shewing our inclinations without danger, they may find that we are nations without danger, they may find that we are not such Persecutors as we are represented) yet we cannot consent that they should have it this way, which they will find the dearest Liberty that ever was granted.

This Sir, is our Case in short, the Difficulties are great on both sides, and therefore now if ever we ought to besiege Heaven with our Prayers for Wisdom, and Counsel, and Courage; that God would protect his Church and Reformed Christianity, against all the devices of their Enemies: Which is the daily and hearty Prayer of,

SIR,

Your Friend and Brother.

May 22. 1688.

# POSTSCRIPT.

I Have just now seen H. Care's Paper called, The Publick Occurrences, which came out to day, and cannot but set you right as to his News about the Reading of the Declaration on Sunday: He tells you, 'That several Divines of the Church of England, in and about this City, eminent for their Piety and Moderation, did yesterday Read his Majesties late Declaration in their Churches, according to the Order in that behalf; but some (to the great surprize of their Parishioners) were pleased to decline it. You in the Country are from this Account to believe, that it was Read here by the generality of the Clergie, and by the eminent Men among them: But I can, and do assure you, that this is one of the most impudent Lyes that ever was Printed: For as to this City which hath above a Hundred Parishes in it, it was Read only in Four or Five Churches, all the rest, and best of the Clergie refusing it every where. I will spare their Names who read it; but should I mention them, it would make you, who knows this City, a little heartily to deride H. C's Account of them. And for the Surprize he talks of, the contrary of it is so true, that in Woodstreet, where it was read by one Dr. M. the People generally went out of the Church. This I tell you, that you may be provided for the future against such an Impudent Liar, who, for Bread, can wench and put about the Nation, the falsest of things.

I am Yours.

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## A N S W E R

To the City Minister's LETTER, from his Country Friend.

S I R,

**I**T is not for me now to acknowledge my private Debt to you for the favour of your Letter, since the publick is as much concern'd in it as I: and if I may judge of all by the compass of my Neighbourhood and Acquaintance, I may assure you, they are not insensible of your Obligation, though they are ignorant of the Author.

The Country as far as my Intelligence reaches, has followed the Example of the City, and refused to read the Declaration of Indulgence according to a certain Order said to be the Kings, which we in the Country can scarce believe to be His. For it has neither been signified to the Ordinaries according to the usual manner, nor could those that disperfed it give any Account whence it came to them. I have heard indeed that an Act of Council concerning it has been published in the *Gazette*, which I never saw, and if I had I should scarce have thought Authentick: For I always took that Paper as for its Authority, to have been all of a piece, and that we were no more bound to take notice of any Order published there under any penalty, than we are to believe all the News from *Poland* or *Constantinople*. Nay though this Order had come to us in due form, yet had we had great reason to suspect something of surreption and surprize upon his Majesty in this matter, and that it could not proceed from his Majesty's free and full consent; for we cannot yet forget his repeated professions of kindness to us, and of satisfaction in our Principles and Duty, and having done nothing since which might forfeit his good Opinion, we are unwilling to believe that it is His Majesties own mind and pleasure to load us with such an Order, as we cannot execute with any congruity, safety or good Conscience

I. As to his Majesties Declaration, We of all his Majesties Subjects are the least concern'd in it; and with all duty be it spoken, we cannot see, that our legal Establishment receives any Addition by this Declaration. For there are yet, thanks be to God, no Penal Laws to which our Congregations are obnoxious, and therefore we do not stand in need of any Toleration: Yet it is upon us only that the Reading of it is imposed. An Act which cannot well be construed otherwise than as a soliciting and tempting our own people to forsake our Communion. If this Declaration must needs be read in any Religious Assemblies in reason surely it should be in those, who wholly owe their subsistence to it. It would better have become the *Roman* than the *Protestant* Chappels. But in the *Roman* Church Indulgence hath another signification; and belongs to those only that frequent their Churches, but not to such as leave them: for with them this is the only sin that is not capable of Indulgence. But the Priests desire to be excus'd, lest while they proclaim Toleration to others they bring an Interdict upon themselves. Or why I pray, was not Father *Pen* Ordered to publish it in his Meetings? Or the worthy Mr. *Lob*, the reputed Father of this Project; why had not he the benefit of his own Invention, and a Patent for being the sole Publisher of it within his own Pound? Or why was not my Lord Mayor's private and elect Congregation thought worthy of so great a grace? Surely it is not to draw upon us the envy of the Dissenters, that the honour of publishing this Declaration is impos'd upon us alone, when it belongs to all other Communions in the Kingdom, except our own: And if we refuse it, I hope it will be imputed to our Modesty, for we are not ambitious of being impertinent or busie bodies in other mens matters.

A certain person much greater than he deserves, but perhaps not so high, is said to have used the Words of *Rahabeketh* upon this occasion, *That the Church of England Clergy should eat their own Dung*. Isa. 36. 12. This sentence might better have become a Messenger of the King of *Assyria*, than a pretended Countessour of our own Prince, though some make a question to which King he belongs: But God be thanked, we are not yet so straitly besieg'd as to be reduc'd to that extremity, and though by the permission of God, We should be reduc'd to so miserable a Condition, We should I hope, by the Grace of God, be content to endure that

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and worse extremities if possible, rather than Betray or Surrender the City of God. But before that comes, it is possible that the Throat that belch'd out this Nasty Infolence, may be stopp'd with something which it cannot swallow.

II. Besides there are some passages in the Declaration, which in Conscience we cannot read to our People, though it be in the King's Name; for among others we are to Read these Words: *We cannot but heartily wish as will easily be believed, that all the People of our Dominions were Members of the Catholick Church.* Our People know too well the *English* of this, and could not but be strangely surpriz'd to hear us tell them, that it would be an acceptable thing to the King, that they should leave the Truth and our Communion, and turn Papists. The Wish of a King when solemnly Declared, is no light insignificant thing, but has real influence and effect upon the minds of Men. It was but a Wish of *Henry* the Second that cut off *Ælfric* then Archbishop of *Canterbury*. Councils and Courts of Justice too often bend to a King's Wishes, though against their own Inclinations, as well as against their Rule: And can we imagine that they can have no force at all upon the common people? Therefore we cannot in Conscience pronounce these words in the Ears of the people whose Souls are committed to our Charge. For we should hereby lay a snare before them, and become their Tempters instead of being their Instructors; and in very fair and reasonable Construction we shall be understood to solicit them to Apostacy, to leave the Truth of the Gospel, for Fables, and the mistakes of men; a reasonable and decent Worship, for Superstition and Idolatry; a true Christian Liberty, for the most intolerable Bondage both of Soul and Body. If any will forsake our Doctrine and Fellowship, which yet is not ours but Christs, at their own peril be it: But as for us, We are resolv'd by the Grace of God, to lay no stumbling block in their way; nor to be accessary to their ruin, that we may be able to declare our integrity with *S. Paul*, That we are pure from the blood of all Men.

III. In the next place. We are to declare in the King's Name, *That from henceforth the Execution of all, and all manner of Penal Laws, in matters Ecclesiastical, for not coming to Church, or not receiving the Sacrament, or for any other Nonconformity to the Religion Established, or for, or by Reason of the Exercise of Religion, in any manner whatsoever, be immediately Suspended, and the farther Execution of the said Penal Laws, and every of them is hereby Suspended.* What! All, and all manner of Laws in matters Ecclesiastical? VVhat the Laws against Fornication, Adultery, Incest? For these are in Ecclesiastical matters. VVhat! All Laws against Blasphemy, profaneness, open Derision of Christian Religion? Yet these crimes are punishable by no other Laws here, than such as have been made in favour of the Established Religion: How shall the Lord's day be observ'd? VVhat shall hinder covetous men to plow and Cart, and follow their several Trades upon that day? since all the Laws, that secure this observance, and outward countenance of respect to the Christian Religion, are by this general expression laid aside: Besides these words, *for not coming to Church, or not receiving the Sacrament, or for any other Nonconformity to the Religion Established,* cannot in Conscience be read by us in our Churches because they may be a Temptation to young unguided people to neglect all manner of Religious Worship, and give them occasion of depriving themselves of such opportunities of grace and salvation, as these Penal Laws did often oblige them to use. For being discharg'd attendance on our Service, they are left at Liberty to be of any Religion or none at all: Nay Christian Religion is by these general terms left at discretion, as well as the Church of *England*. For men may forsake us to become Jews or Mahometans, or Pagan Idolaters, as well as to be Papists or Dissenters for any care taken in this Declaration to prevent it. And even of such as pretend to be Christians, there either are or may be such Blasphemous Sects, so dishonourable to our Common Lord and Master, as are incapable of all publick encouragement and allowance; for that would involve the Government in the Imputation of those Blasphemies, and the whole Nation in that Curse and Vengeance of God, which such provocations may extort. Wherefore it is not out of any unreasonable opinion of our selves, nor disaffection to Protestant Dissenters, that we refuse to publish this Indulgence, but out of a tender care of the Souls committed to us, especially those of the weaker sort, to whom we dare not propose an Invitation to Popery, and much less any thing that may give countenance or encouragement to Irreligion. It is said indeed, that we are not required to approve but to read it: To this Sir, you have very well answer'd, that Reading was Teaching it, or if it be not so absolutely in the nature of the thing; yet in common Construction, I am afraid it would have been understood. But we do not stand in need of this Excuse, for if there be any passages in it, that are plain temptations to Popery or Licentiousness; it cannot consist with our duty either to God or the Church to read them before our people.

As for the dispensing power, and the Oaths and Tests required to qualify men for Offices Military and Civil, I must leave them to the Consideration of those who nearer concern'd, and therefore reasonably presum'd to understand them better. Nor do I envy his Majesty the use of



of his Popish Subjects, though I do not know what service they may be capable of doing more than other Men. This Nation has for some time made hard shifts to subsist without much of their Aid, and against the wills of several of them: But now they are become the only necessary men, and seem to want nothing but Number to fill all places Military and Civil in the Kingdom; in the mean time the Odioufness of their persons, and the Insolence of their Behaviour with their way of menacing strange things, makes some abatement of the merit of their service.

Lastly, The respect which we have for his Majesties Service, will not permit us to Read the Appendix to the Declaration: Where the flower of the Nobility and Gentry of this Kingdom are something hardly reflected on, as persons *that will not contribute to the peace and honour of the Nation*; because they would consent to the taking away the Laws against Papists, that they be put into a Condition to give us Laws. The persons here reflected on, VVe know to be the chief for Ability and Interest, and Inclination to serve the King, and therefore cannot do his His Majesty that disservice as to be publishers of their disgrace, and make our selves the Instruments of alienating from his Majesty the Affections of his best Subjects. Nay we find in our selves a strange difficulty to believe that this could come from His Majesty, who has experienc'd their faithfulness upon so many and pressing Occasions. This could not well proceed from any but a Stranger to those Honourable persons, and the Nation, and a greater Stranger to shame and good manners; and what have we to do to publish the Venome and Virulency of a Jesuit.

*A Letter from a Gentleman in Ireland, to his Friend in London, upon occasion of a Pamphlet, Entituled, A Vindication of the present Government of Ireland, under his Excellency, Richard Earl of Tyrconnel.*

S I R,

**A**S soon as the Letter, Entituled, *A Vindication of the present Government of Ireland*, &c. came to my hands, I set upon Answering it with the same expedition, and plainness of Style, as uses to accompany naked Truth, which needs not the cloathing of sophistical Arguments, or florid Expressions, to recommend it to the unprejudic'd part of Mankind: And indeed upon the very first reading of every Paragraph of it, the slowness of the Arguing, or the notorious Falshood of the Matter of Fact, did so evidently appear, that a man of ordinary capacity needs not put his Natural Talent on the Rack to refute them.

The very first position of the paper, viz. [That *Ireland* is in a better way of Thriving under the Government of a *Native*, than an *Englishman*;] (by which, I suppose, you mean one not barely so by Birth, but by Inclination, Interest, Education, Religion, &c.) is so false, that it contradicts the Experience and Reason of Mankind, and disgusts one so much in the front of the Letter, that I was tempted to fling it away unread, judging it not worth the loss of so much time, if the rest should prove of the same kind (as indeed I found it upon perusal;) but having ventured through it, I looked upon my self obliged to say something by way of Answer, since in the opinion of some sort of Men, the not Answering (though even the most trilling Pamphlet) is given out to be the Inability of the party to reply to the weight of such Arguments as are contained in it.

I will not insist much upon the constant practice of all the predecessors of our *English* Kings, and their Counsellors, ever since the Conquest of *Ireland*, who made it an established Maxim, in relation to that Kingdom, That none but an *Englishman* should be Chief Governour; inasmuch that (till within these two Years) that practice gave occasion to the common erroneous opinion, That a man born in *Ireland*, however otherwise qualified, was thereby incapacitated from being Lord Deputy: It is certain, that long before the Reformation, when Matters of Religion made no distinction between the Natives of each Country, this was the settled and unalter'd Rule: Have we any reason then to alter it, (now that Religion is put into the Scale, and become the additional weight, which never fails giving the advantage to the side it espouses and adheres to) or rashly to condemn the wise proceedings of the Ancestours of our Kings, and (contrary to the opinion of the VVorld) judge our Author's *Irish* Understanding, better than all the *English* ones that have been heretofore?

Our Author will certainly allow *Ireland* to be a conquered Country, and consequently, that the Conquerors have Right to establish Laws with such Restrictions and Limitations, as shall seem fitting and convenient towards the keeping it in their Hands, and the Welfare of the Inhabitants, which are of two Sorts, the *British Planters*, and the *Natives*. I shall prove, that it has been, and still is, the Advantage of both these, that *Ireland* should be governed by an *English Man*.

By the way, I would have it understood, that I do not pretend to put these two Interests into any Ballance: I know the *British* Interest does so far outweigh the other, that it were a Wrong done it, to bring them into any Competition; more than two parts of three of the Lands of *Ireland*, being (by the several Rebellions of the *Irish*) in *British* Hands; and for the Quality, Temper, Industry, &c. there is no Comparison: besides, that if one of two Parties is to be pleased (though by the Detriment of the other) 'tis but just, that the Conquerors (who have Right to give Law) should be indulged; how much more when it is consistent with the Welfare of the *Irish* themselves, if they understood their own Good?

I am convinced, that whatever has been done in favour of the *Natives*, is pure Grace, and cannot be claimed as a just Debt, any otherwise, than since it has been confirmed by our Laws, and Acts of Parliament: He that reflects on 1641. will readily assent to this, which makes me admire at the pertness of our Author, in Capitulating, as if we stood upon even Ground with them; but 'tis plain, he considers the Interest but of one Party in that Kingdom, and though he names *Ireland* often, he means the Native *Irish* Papist only. But I proceed;

To prove that it is the Interest of the *British*, that *Ireland* should be governed by an *Englishman*: I need say no more than that they all ardently desire it; and People are the best Judge of their own Necessities: The common Maxim, *That Interest will not lie*, holds good here to some purpose. The ill Effects the contrary Method has had on their Persons and Estates, is but too visible. Whoever had seen *Ireland* four Years ago, and would compare its Condition with what it is now, from the most thriving and flourishing Country of *Europe*, from a place of the briskest Trade, and best paid Rents in *Christendom*, it is fallen in one Year and a half's time, to Ruine and Desolation: in the most frequent Cities, empty Houses, and melancholly Countenances; in the best peopled Counties, unmanur'd neglected Fields, and Solitariness: Such a one, I say, might justly exclaim, *Heu! Quantum mutatus ab illo*. But it would be impertinent to insist any longer on this. I must now prove, That 'tis the Advantage of the very *Natives* themselves (who have long been uneasy under the *English* Government, and often endeavour'd to shake it off) to be ruled and guided by that Nation they hate so much. They are beholding to us for reducing them from a State of Barbarity, which left but little difference between them and Brutes: We taught them to Live, to Eat, Drink, and Lodge like humane Creatures; (if they esteem this my Advantage, and do not really prefer their Native Wildness to all the Benefits of civil Society, Trade, Agriculture, Merchandizing, Learning, &c.) and if the Gentleness of the *English* Government could have had any Influence on them, they had no reason to be discontented at it: They had the equal Protection of the Laws, in relation to their Estates and Persons; they bore but their just Proportion in all Taxes and Cesses: Their Lands improved in Value, by the Means of their *British* Neighbours, and their Rents were much better paid than formerly, whilst themselves were Masters of the whole Island: They had a large Connivance for the Exercise of their Religion, and were even allowed to hold a National Synod of their own Clergy in *Dublin*, Anno 1666. The poor *Natives* were not oppressed, when their severe Land-Lords, the *Irish* Gentry, by their cruel Exortions, Casberings, Duties, and Days Labour, ruined them; who as soon as the *English* Manners prevailed among them (as they were introduced with Difficulty enough, there was need of the Authority of Acts of Parliament to constrain them for their own Good) lived plentifully, and in convenient Houses, had their Share of the current Coin, and proportion of all other Necessaries, to the Life and Well-being of Man, which now they want; insomuch that several of them have been heard to curse my Lord *Tyrconnel*; for to his Government they attribute their Misery, and acknowledge, they never lived so well as under the Direction of the *English* Rulers, nor expected to do so again, till they were restored to the Helm. See the Force of Truth, which compels the Confession of it, even from the Mouths of its Adversaries!

One may easily perceive by our Authors manner of arguing, where the Shoo pinches; he is really concerned that *Ireland* is not altogether an independent Kingdom, and in the Hands of its own *Natives*: he longs till the Day, when the *English* Yoak of Boudage shall be thrown off: Of this he gives us broad Hints, when he tells us That [*England* is the only Nation in the World that impedes their Trade:] That [a Man of *English* Interest will never Club with them (as he phrases it) or project any thing which may tend to their Advantage, that will be the least Bar or Prejudice to the Trade of *England*.] Now, why a Man of *English* Interest (unless he will allow none of that Nation to be an able and just Minister to his Prince) should

be

be partial, to ruine one Kingdom [to avoid the least Inconveniency of the other] contrary to the positive Commands of his King, I cannot imagine: For since [it is the Governour's Duty to Rule by Law, and such Orders as he shall receive from His Majesty.] I know no Grounds for our Authors Arraigning the whole *English* Nation, in saying, That no one Man among them, of what Perswasion soever, will be true, either to the Laws, or his Majesty's positive Orders, which shall seem repugnant to the smallest Conveniencies of *England*. 'This is a glory reserved only (as it seems) for his Hero, my Lord *Tyrconnel*.

The Imbargo upon the *West India* Trade, and the Prohibition of *Irish* Cattel, are the two Instances given.

It were to be wished indeed, for the Good of that Kingdom, that both were taken off; and I question not but to see a Day wherein it shall seem proper to the King, and an *English* Parliament, to Repeal those Laws; a Day wherein they will consider us as their own Flesh and Blood, a Colony of their Kindred and Relations, and take care of our Advantages with as little Grudging and Repining (I am sure they have the same, and no stronger Reason) as *Cornwall* does at *Yorkshire*: There are Instances in several Islands in the *East-Indies*, as far distant as *Ireland* is from *England*, that make up but one Kingdom, and govern'd by the same Laws; but the Wisdom of *England* will not judge it time fitting to do this, till we of *Ireland* be one Man's Children, either in Reality or Affection; we wish the latter, and have made many Steps and Advances towards it, if the Natives will not meet us half way, we cannot help it, let the Event lie at their own Doors.

But after all, I see not how those Instances have any manner of relation to the *English* Chief Governors in *Ireland*; they were neither the Causes, Contrivers, nor Promoters of those Acts. The King and an *English* Parliament did it without consulting them; if they had, 'tis forty to one, my Lord of *Ormond* and the Council, whose Stake is so great in *Ireland*, would have hindered it as much as possible. Our Author's Argument proves indeed, That 'tis detrimental to *Ireland*, to be a subordinate Kingdom to *England* (and 'tis plain, 'tis that he drives at, let him disguise it as much as he will) but the conclusion he would prove, cannot at all be deduced from it: Shortly, I expect he will speak plainer, and in down right Terms propose, That the two Kingdoms may be governed by different Kings; Matters seem to grow ripe for such a disloyal Proposition.

If these Acts (and not the Subjection to an *English* King) were the Grievances, they would be so to the *British* there, as well as to the Natives: but though we wish them Repealed, we do not repine; in the mean time, if the *British*, who are the most considerable Trading part of that Nation, and consequently feel the ill Effects of those Acts more sensibly, can be contented, why the Natives should not acquiesce in it (unless it be for the forementioned Reasons) I cannot see.

Our Author allows that there are different ways of obeying the King: 'tis a Point gained for us, and proves there may be such a Partiality exercised in executing his Majesty's Commands, as may destroy the very Intent of them; and yet (taking the Matter strictly [the King is obeyed] but a good Minister will consider his Master's Intentions, and not make use of a Word that may have a double Sense to the Ruine of a Kingdom, nor of a Latitude of Power, wherewith he is intrusted, to the Destruction of the most considerable Party in it: Far be it from us to think it was his Majesty's Intentions to depopulate a flourishing Country, to undo Multitudes of laborious thriving Families in it, to diminish and destroy his own Revenue, to put the Sword into Mad-men's Hands, who are sworn Enemies to the *British*: No! His Majesty, who is willing that Liberty of Trade as well as Conscience, should equally flourish in all parts of his Dominions, that recommends himself to his Subjects by his Impartiality in distributing Offices of Trust; and from that Practice raises his greatest Argument to move his People to Repeal the *Penal Laws*; never intended that some general Commands of his should be perverted to the Destruction of that People, his Intention is to protect. His Majesty (Great as he is) cannot have two Consciences, one calculated for the Latitude of *England*, another for *Ireland*. We ought therefore to conclude (in respect to the King) that his Commands have been ill understood, and worse executed; and this may be done (as our Author confesses) and the King [undoubtedly obeyed;] but such an Obedience is no better than a Sacrifice of the best Subjects the King has in this Kingdom.

Our Author has given very good Reasons why the Natives may be well content with their present Governor, but I cannot forbear laughing at those he has found out to satisfy the poor *British* with My Lord *Tyrconnel*'s most Excellent, Charitable, *English* Lady: His high sounding Name *TALBOT*, in great Letters, a Name that no less frightens the Poor *English* in *Ireland*, then it once did the *French*; a Name which because he is in possession of, I will not dispute his Title to, but I have been credibly informed, that he has no relation to that most Noble Family of *Shrewsbury* (though my Lord *Tyrconnel* presumes to bear the same Coat of Arms:) a Name is short, which I hope in time *Vox & præterea nihil*.



A Second Reason is drawn from his [ Education ] We have heard (and it has never yet been contradicted) that my Lord *Tyrconnel* from his Youth upwards, has constantly borne Arms against the *Brittish*: If our Author will assure us of the contrary. I am apt to believe it. Excellency will give him no thanks, who lays the foundation of his Merit upon the Basis of his constant adherence to the *Irish* Party: What use of Consolation can be drawn from this head by the *Brittish*, is beyond my skill to comprehend.

A third Reason is drawn from his Stake in *England*; the Author would do well to shew us, in what Country this lies, that we may know where to find Reprisals hereafter; for since he offers this for our Security, 'tis fit to enquire into the Title and Value of the Land, before we give so valuable a Consideration.

Thus this great heap of substantial Reasons, together with a large Panegyrick upon his Excellency's fair Face and good Shapes, telling us by the by, how he [ was not kill'd at *Drogheda*, because he run away, ] is enough, and more than enough to demonstrate, that [ the *Brittish* have not the least cause to be dejected, because they are sufficiently secure: ] But I will agree with the Author in this, that he seems to have been reserved by Heaven against the most critical occasion, that should happen in this Age, reserv'd as one of the Vials of God's Wrath to plague the People.

'Tis well known [ Self-preservation is allowed by God and Man; ] and since he tells us, we are [ People of a contrary Interest, ] he gives us right to provide for our selves, and our Families, as well as we may; 'tis like a generous Aggressor: First he declares who are his Enemies, then gives them warning to put themselves into a posture of Defence. We are beholden to him for this hint, and, I hope, shall make the right use of it. 'Tis below me to take notice of the meanness of the Expression of [ an honest Man's losing his Head in a Crowd, ] and the nonsense of the other, [ The most men bite at the stone, &c. ] Dogs indeed use to do so with us; but this is only to let the World know what Country man our Author is, and it may be 'tis the custom here for these Men to imitate those more rational Creatures.

Our Author seems sensible, that many hard things have been done, which occasioned Clamours against the present Government; though I think our Grievances (how intollerable soever) have been born more silently, than any people since the Creation: Since I do not remember any one Pamphlet has hitherto come out, to represent them; ours being of that nature, as stifles us, and takes away the use of the Tongue and Pen: *Cave levis loquuntur, ingentes stupet*: I say he is not willing this load of Calumny should rest on my Lord *Tyrconnel*, but casts it on His Majesty, imagining that the respect we bear, (and justly) to our King, ought to render us Tongue-tied in relation to the Male-Administration of his Minister. But I have already shewn, how the King's Orders may be stretched, and perverted. The very best and most capiously penn'd Laws have a double edge, and (if the Executive Power be lodg'd in ill Hands) have the worst Effect, even to the Punishment of Well doers, and the Encouragement of them that do ill; and I question not, in the least, but this is our Case, and as little doubt that our Grievances would be redress'd, did not one of His Majesty's most Eminent Virtues interpose between us and His Grace, I mean his Constancy to his old Servants; and our Condition is so much the more deplorable, that His Majesty cannot be a Father of His Country without seeming to desert His Minister; but 'tis to be hoped that at long running, the Groans of a distressed Nation will prevail over all private Consideration.

Whether the Employment His Majesty has given my Lord *Tyrconnel*, has not prov'd the occasion of the Augmentation of his Fortune, (as our Author insinuates it has not) shall neither prove the Subject of this Discourse, nor Object of our Envy. I shall only say, if the report be true, that my Lord owes all his Estate to the King's bounty, 'tis ungratefully done to rob His Majesty of the Honour and Thanks due to him, by denying it; much less is it our business to find fault with the advancement of five Relations. In this point Authors differ, for some speak 55 at least: If there had not been the greatest Partiality in the World shewed, we should never have open'd our mouths, if in an Army of about 9000 *English* Officers and Souldiers, there be not 200 left, (in a Country where the *English* have so much cause to fear) and those turn'd out for the most part, without any cause assign'd, after the most ignominious disgraceful manner imaginable, stript naked in the Field, their Horses, Boots, Buff coats, &c. taken from them, giving them Bills to receive so much Money in *Dublin*, as amounted to half the value of their Equipage, and that not paid without Charge and Attendance; have they not reason to fear? If in a Country, whose Government was perfectly in the *English* hands, so sudden an alteration was made, that both the Courts of Judicature, and Charters of their Corporations were taken from them without any fault of theirs, have they not reason to complain, and be afraid? If those very Arms which are taken from them, be put into the hands of their sworn Enemies, and their just Debts paid after a new Method, by beating or killing the Creditors, when they demand their own? Have they not reason to fear, and desert the Kingdom?

If these and an hundred other things do not justify the retreat of several of the *British* into *England*, I know not what shall be adjudged a sufficient reason. This our Author would innuinate, is caused by a fullen Combination; as if the Gentry of a Nation could agree together, to do a thing so contrary to their visible Interest, as desert their Houses and Estates, to the loss of one half of them, merely out of spite to the Government.

But because our Author is so good at his Narratives, and would induce the World to believe that there was but two Regiments disbanded [by his talking only of two] and in another place speaking of [some Officers] that were cashiered. We shall hereafter give a faithful Account of the Proceedings in the business of Disbanding; and in the mean time affirm, that his whole Account of the Affair at *Mullingar* is most unincere. The *English* Soldiers were given to understand, that they were all to be turned out, and the only Grace his Excellency did them, was to declare before a long and tedious March, that such as had a mind, or had Settlements in that Country might better quit them, than hereafter. This is plainly shewn by the turning out (afterwards) all those *English* who then actually continued in the Service; they were glad that any would quit voluntarily, but those that did not, and after a publick Tryal, were willing to serve his Majesty, they soon after turn'd out. Thus the false gloss that our Author puts upon my Lord *Tyrconnells* Speech is discover'd: And I assure the Reader, the Memoires I have by me are from such unquestionable hands, and there are so many hundred living Witnesses to the Truth of them, that our Author will not have the Impudence to deny what may be prov'd before his Majesty, if he require it. I shall only take notice of the ill Application of our Authors Sea-Metaphor. Though in stress of weather, the Owner is willing to make use of all hands that may be helpful towards the saving the Vessel, yet he takes care to call for none whose practice it hath been to cut the Tacklings, and to steer contrary to the Pilot's Directions; he thinks such safer by far shut up under Hatches, then set at Liberty or employ'd to do mischief: As for his supposition of 30000 men to be sent out of *Ireland*, into *Flanders*, I cannot tell what to make on't. Let them crack the Shell that hopes to find the Kernel in it. For my part I despair, though the readiness of the *English* Souldiers of *Ireland*, who at twenty four hours warning came into *England* to serve His Majesty in the time of *Monmouth's* Rebellion, ought to have been remembered to their advantage, and might serve (to any unprejudic'd person) as a Pattern of the Loyalty, and good Inclinations of all the Protestants in that Kingdom, if his Majesty had had occasion for them. Whether the Parliament will Repeal the *Test* for those several weighty Reasons our Author says [are fitter for contemplation than Discourse] tho methinks it would be pleasant to see a House of Common sit like the Brethren at a silent Meeting, is not my Province to determine: As likewise, Whether they will so much consider that Grand Reason [the King will have it so] (for his Conscience and theirs may differ) or what the dissenters will do, I cannot tell. One thing I am sure of, there will be no such Stumbling-block in the way of the King's desires, when they meet, as the present condition of *Ireland*; they will be apt (when His Majesty tells them, they shall have their equal shares in Employments, when they have Repealed the Laws) to say, Look at *Ireland*, see what is done there, where the Spirit of Religion appears bare fac'd! and accordingly compute what may become of us, when we have removed our own legal Fences, since they now leap over those Hedges, what may we expect when they are quite taken away!

*Poyning's* Law is a great grievance to our Author, and here in one word, he discovers that 'tis the dependance this Kingdom has on *England*, he quarrels at: 'Tis fit the Reader should understand, that Law (enacted when *Poyning's* was Lord Deputy) makes all the *English* Acts of Parliament of force in *Ireland*; we are therefore so fond of that Law, and cover so much to preserve our dependance on *England*, that all the Arguments our Author can bring, shall not induce us to part with it.

I will not reflect in the least on the Courage of the *Irish*, I know there are several brave men among them, but they have had the misfortune to fall under the Consideration of (as our Author softens it, but the plain sense is, been beaten by) a warlike Nation: And, I question not, unless they behave themselves modestly in their Prosperity, they will again fall under the Consideration of the same Nation: 'tis better we should live in peace and quietness, but the Choice is in their hands, and if they had rather come under our consideration again, than avoid it, let them look to the Consequence.

Another advantage which may accrue to *Ireland*, by a Native, as a Governour, our Author reckons to be, His personal knowledge of the Tories, and their Harbours, and his being thereby better capacitated to suppress them. Malicious People would be apt to infer from this Suggestion, that his Excellency had occasion formerly to be familiarly acquainted with such sort of Cattle. I have heard indeed, that one of our bravest *English* Princes, *Henry* the---during the Extravagancies of his youth, kept Company with publick Robbers, and often shar'd both in the Danger and Booty: But as soon as the Death of his Father, made way for his Succession to the Crown, he

made use of his former acquaintance of their Persons and Haunts, to the extirpating and dissolving the greatest knot of Highway-men, that ever troubled *England*. My Lord therefore (in imitation of this great Prince, no doubt) will make use of his Experience that way, to the same end: And I readily assent to the Author, that no *English* Governour can be so fit to clear that Kingdom of Tories, and that for the same reason he gives us

There are two other Advantages remaining; one is, his Excellency's having already made different Parties in that Kingdom, the Objects of his Love and Hatred, let the Offices of the one, or the Merits of the other, be never so conspicuous: Whether the *Brittish* can draw any comfort from his Excellency's knowledge of them this way, is fit to be debated. The other is, the probability of his getting the Statute for benefit of Clergy, in favour of Cow-Stealers, and House Robbers Repealed; and where, by the way, there is a severe Rebuke given to our *English* Priests, for their ill-placed Mercy to *Irish* Offenders: A fault I hope they will be no more guilty of.

Whether these Advantages be so considerable as to move his Majesty to continue a Man (for other more weighty Reasons) absolutely destructive to this Kingdom, or whether some of them might not be performed by an *English* Governour, His Majesty is the only Judge: Only this I am sure of, The King (if he were under any Obligations to His Minister) has fully discharged them all, and has shewed himself to be the best of Masters, in giving so great and honourable an Employment to his Creature, and continuing him in it so long, notwithstanding the decrease of his own Revenue, and the other visible bad effects of his Management; the Impoverishment of that Kingdom, amounting to at least two Millions of Money: And His Majesty may be now at liberty (without the least imputation of Breach of promise to his Servant) to restore us to our former flourishing condition, by sending some *English* Nobleman among us, whose contrary Methods will, no doubt, produce different effects.

To conclude, methinks the comparison between His Majesty and *Philip* of *Macedon*, when he was drunk, is a little too familiar, not to say unmannerly, and that between *Antipater*, and my Lord *Tyrconnel*, is as great a Complement to the latter.

But provided my Lord be commended, which was our Author's chief design, he cares not tho' the comparison does not hold good in all points; 'tis enough that we know we are Govern'd by such a Prince that neither practises such Debauches himself, nor allows of them in his Servants. But we are not beholding to the Author for the knowledge of this; should a Foreigner read his Pamphlet, or get it interpreted to him, he would be apt (and with reason) to conclude, that His Majesty as much resembled *Philip* in a Debauch, as my Lord *Tyrconnel* doth sober *Antipater*.

I have now done with all that seems of any weight in our Author's Pamphlet; and can see nothing in his Postscript that deserves an Answer. All that I will say is, That his *Recipes* bear no proportion to our desperate Disease, and he will prove not to be a Physician, but a pretending Quack, who by ill applied Medicines will leave us in a worse Condition than he found us.

I shall conclude with telling you, That your Letter, which enclosed the Pamphlet, whereof I have here given you my thoughts, was more than a Fortnight on the way, or else you had received this sooner, I am,

S I R,

Your most Humble

Dublin, 1688.

Servant.

A



A PLAIN  
ACCOUNT  
OF THE  
PERSECUTION  
Laid to the CHARGE of the  
Church of England.

THE Desire of Liberty to serve God in that Way and Manner which Men judge to be most acceptable to him, is so Natural and Reasonable, that they cannot but be extremely provoked against those who would force them to serve him in any other. But the Conceit withal, which most Men have, that their Way of Serving God is the only acceptable Way; naturally inclines them, when they have Power, to use all Means to constrain all other to serve him in that way only. So that Liberty is not more desired by all, at one time, than it is denied by the very same Persons at another. Put them into different Conditions, and they are not of the same Mind: but have different Inclinations, in one State, from what they have in another. As will be apparent by a short View of what hath passed in these Churches and Kingdoms, within our Memory.

II. Before the late Civil Wars, there were very grievous Complaints made of the Bishops; that they pressed the Ceremonies so strictly, as to inflict heavy Censures upon those called *Puritans*, who could not in Conscience conform to them. Now no sooner had those very Persons who thus complained, got their Liberty to do as they pleased, but they took it quite away from the other: and suquestred all those who would not enter into their *Holy League and Covenant*; for the reforming all things according to the Model which they propounded. Nay, they were not willing to bear with *Five* Dissenting Brethren among themselves; who could not conform to the *Presbyterial* Government. And when these Dissenting Brethren, commonly known by the Name of *Independants*, had got a Party strong enough, which carried all before them; they would not allow the use of the *Common Prayer* in any Parish; no not to the King himself in his own Chappel: not grant to one of the old Clergy, so much Liberty as to teach a School, &c. Which things I do not mention (God knows) to reproach those who were guilty of them; but only to put them in mind of their own Failings: that they may be humbled for them, and not insult over the Church of *England*, nor severely upbraid them with that, which when time was, they acted with a higher Hand themselves. If I should report all that the *Presbyterians* did here, and in *Scotland*, and all that the *Independants* did here and in *New England*; it would not be thought that I exceed the Truth, when I say they have been more Guilty of this Fault, than those whom they now charge with it. Which doth not excuse the Church of *England*, it must be confessed, but doth in some Measure mitigate her Fault. For the Conformable Clergy having met with such very hard Usage in that dismal Time, wherein many of them were oppressed above Measure; no wonder if the Smart of it, then fresh in their Minds, something imbittered their Spirits; when God was pleased, by a wonderful Revolution, to put them into Power again.

III. Then a stricter *Act of Uniformity* was made, and several Laws pursuant to it, for the enforcing that Uniformity, by severe Penalties. But let it be remembered that none were by those Laws constrained to come to Church, but had Liberty left them to serve God at Home (and some Company with them) in their own Way. And let it be farther remembered, that the Reason why they were denied their Liberty of meeting in greater Assemblies was, because such Assemblies were represented, as greatly endangering the publick Peace and Safety: as the Words are in the very first Act of this Nature against *Quakers*, in the Year 1662. Let any one read the *Oxford Act*, (as it is commonly called) made in the Year 1665. and that at *Westminster*, in the Year 1670. and he will find them intended against *Seditious Conventicles*; That is, they who made them, were persuaded by the *Jesuit Interest* at first to look upon such Meetings as

*Nurseries of Sedition*, where bad *Principles* were infused into Mens Minds, destructive to the *Civil Government*. If it had not been for this, it doth not appear that the Contrivers of these Laws were inclined to such Severities as were thereby enacted; but the *Nonconformists* might have enjoyed a larger Liberty in Religion. It was not Religion alone which was considered, and pretended, but the *publick Peace and Settlement*, with respect to which they were tyed up so straitly in the Exercise of their Religion. Which, to deal clearly, I do not believe would have rought *Rebellion*; but this was constantly insinuated by the *Court Agents*; and it is no wonder if the *Parliament*, who remembred how the Ministers of that Perswasion (though indeed from the then Appearance of *Popery*) had been the Principal Incouragers of that *Defensive War* against the *King*, were easily made to believe that they still retained the same *Principles*, and would propagate them, if they were suffered among the People. Certainly it is also, that the *Court* made it their Care to have those Acts passed, though at the same time they hindred their Execution: that they might keep up both Parties in the height of their Animosities; and especially that they might make the Church of *England*, be both, hated and despised by the *Dissenters*.

IV. Thus things continued for some time, till wise Men began to see into the Secret; and think of a *Reconciliation*. But it was always hindred by the *Court*, who never thought of giving Liberty by a *Law*, but only by the *Prerogative*, which could as easily take it away. There was a time, for instance, when a *Comprehension*, &c. was projected by several great Men, both in Church and State; for the taking as many as possible into Union with us; and providing Ease for the rest. Which so nettled the late King, that meeting with the then Arch-bishop of *Canterbury*, he said to him (as I perfectly remember) *What, my Lord, you are for a Comprehension?* To which he making such a Reply as signified, he heard some were about it: No, said the King, *I will keep the Church of England pure and unmixed*: that is, never suffer a *Reconciliation* with the *Dissenters*. And when the *Lords and Commons* also had not many years ago passed a Bill for the Repealing of the most heavy of all the *Penal Laws* against *Dissenters*, viz. the Statute of 35 *Eliz.* 1. (which by the *Parliament* is made against the *Wicked and dangerous Practices of Seditious Sectaries, and disloyal Persons*) his late Majesty so dealt with the Clerk of the *Parliament*, that it was shuffled away and could not be found; when it was to have been presented to him, among other Bills for his Royal Consent unto it. A notable Token of the Abhorrence the *Court* then had of all *Penal Laws*, and of their great Kindness to *Dissenters*.

V. Who may remember, if they please, that as once there was a time, when the *Court* turned out, or chid those *Justices*, who were forward in the Execution of the Laws against *Nonconformists*, because they were then in so low a Condition, that the *Court* was afraid the Church of *England* might indeed be established in its Uniformity. So when the *Nonconformists* were by some Liberty, grown stronger, and set themselves against the *Court* Interest, in the Election of *Justices*, and such like things; then all those *Justices* were turned out who hung back, and would not execute the Laws against them; and *Justices* pickt out for the purpose, who would do it severely. Nay, the Clergy were called upon, and had Orders sent them, to return the Names of all *Nonconformists* in their several Parishes; that they might be proceeded against in the *Courts Ecclesiastical*. And here I cannot forget the Order made by the *Middlesex Justices*, at the Sessions at *Hicks's Hall*, Jan. 13. 1681. Where they urge the Execution of the Act of 22 *C. 2.* against *Conventicles*, because in all probability they will destroy both Church and State. This was the reason which moved them to call upon *Constables*, and all other Officers to do their Duty in this Matter: Nay, to call upon the *B. of London* himself, that he would use his utmost endeavors, within his Jurisdiction, that all such Persons may be Excommunicate. This was a bold Stroke, proceeding from an unusual degree of Zeal; which plainly enough signifies, that the *Bishops* were not so forward as the *Justices* in the prosecuting of *Dissenters*. Who may do well to remember that the *House of Commons*, a little before this, had been so kind to them, that those *Justices* would not have dared to have been so severe as they were at *Hicks's Hall*, if they had not been set on by Directions from *White-Hall*. For in their Order they press the Execution of the Statute 1 *Eliz.* c. 3 *Jac.* 1. for levying Twelve Pence a Sunday upon all those that do not come to Church: Whereas the *House of Commons*, Nov. 6. 1680. had, Resolved, Nemine Contradicente, That it is the Opinion of this House. That the Acts of *Parliament* made in the Reign of *Queen Elizabeth*, and *King James*, against *Papists Recusants*, ought not to be extended against *Protestant Dissenters*.

VI. Who should not forget how backward the Clergy of *London* especially, were to comply with this Design, of reviving the Execution of the Laws against them; What Courses they took to save them from this Danger! and what Hatred they incurred for being so kind to them! Which in truth was Kindness to themselves; for now they saw plainly that Nothing was intended but the Destruction of us both, by setting us in our turns, one against the other. Many indeed were possessed with the old Opinion, that the *Dissenters* aimed at the Overthrow of the Government both in Church and State: which made them the more readily joyn with those who were employed to suppress them, by turning the Edge of the Laws upon them. But both these were most industriously promoted by the *Court*: who laboured night and main to have this believed, that they who were called *Whigs*, intended the Ruine of the Church, and

of the Monarchy too; and therefore none had the Court favour, but they alone who were for the ruining of them: all others were frown'd upon, and branded with the Name of *Trimmers*; who they adventured at last, to say were worse than *Whigs*. Meerly because they seeing through the Design, desired those ugly Names of *Whig* and *Tory* might be laid aside; and perswaded all to *Moderation, Love, Unity, and Peace*. If any Man had these dangerous Words in his Mouth, he had a Mark set upon him, and was lookt upon as an Enemy, as soon as he discovered any Desires of Reconciliation. *No Peace with Dissenters* was then as much in some Mens Mouths, as *no Peace with Rome* had been in others. They were all voted to Destruction; and it was an unpardonable Crime so much as to mention an Accommodation.

*Such things as these ought not to be forgotten.*

VII. But if they list not to call them to mind, (though they be of fresh Memory) yet let them at least consider what they have had at their Tongues end, ever since they knew any thing: That *the Church of Rome is a persecuting Church, and the Mother of Persecution*, Will they then be deluded by the present *Sham of Liberty of Conscience*; which they of that Church pretend to give? It is not in their Power, no more than in their Spirit: They neither will nor can give *Liberty of Conscience*; but with a Design to take all Liberty from us. That Church must be obeyed; and there is no middle Choice among them, between *Turn or Burn, Conform or be undone*. What Liberty do they give in any Country where their Power is established? What Liberty can they give who have determined that Hereticks ought to be rooted out? Look into *France* (with which we have had the strictest Alliance and Friendship along time) and behold, how at this Moment they compel those to go to Mass, who they know abhor it as an abominable Idolatry. Such a violent Spirit now acts them, that they stick not to prophane their own most *holy Mysteries*, that they may have the Face of an *Universal Conformity* without the least *Liberty*. For the *New Converts*, as they are called, poor Wretches, are known to be mere *outward Compliers* in their Hearts, abominating that which they are forced eternally to worship. They declare as much by escaping from this Tyranny over their Consciences, and bewailing their sinful Compliance; whensoever they have an Opportunity. And they that cannot escape, frequently protest they have been constrained to adore that, which they believe ought not to be adored. And when they come to die, refuse to receive the *Romish Sacrament*, and thereupon are dragg'd, when dead, along the Streets, and thrown like dead Dogs upon the Dunghills. Unto what a height of Rage are the Spirits of the *Romish Clergy* inflamed; that it perfectly blinds their Eyes, and will not let them see how they expose the most sacred thing in all their Religion (the *Holy Sacrament*, which they believe to be *Jesus Christ* himself) to be received by those who they know have no Reverence at all for it, but utterly abhor it? For they force them, by all manner of Violence, to adore the *Host* against their Will, and then to eat what they have adored; though they have the greatest reason to believe, that those poor Creatures do not adore it. That is, the Church of *Rome* will have her Mysteries adored by all, though it be by Hypocrites. None shall be excused, but whether they believe or not believe, they shall be compelled to do as that Church doth. Nothing shall hinder it; for the Hatred and Fury wherewith they are now transported, is so exceeding great, that it makes them (as I have said) offer Violence even to their own Religion, rather than suffer any Body not to conform to it.

VIII. And assure your selves, they are very desirous to extend this Violence beyond the bounds of *France*. They would fain see *England* also in the same Condition, the Bishop of *Valence and Die*, hath told as much, in the Speech which he made to the *French King*, in the Name of the Clergy of *France*, to congratulate his glorious Achievements, in rooting out the Heresie of *Calvin*. In which he hath a most memorable Passage, for which we are beholden to him, because it informs us that they are not satisfied with what their King hath done there; but would have him think there is a further Glory reserved for him, of lending his Help to make us such good Catholics, as he hath made in *France*. This is the blessed Work they would be at, and if any among us be still so blind as not to see it, we must look upon it as the just Judgment of God upon them for some other Sins which they have committed. They are delivered up to a reprobate Mind, which cannot discern the most evident things. They declare to all the World, that they have been above fifty Years crying out against, they know not what. For they know not what Popery is (of which they have seemed to be horribly afraid) if they believe that they of that Religion, either can or will give any Liberty, when they have Power to establish their Tyranny. It is no better, St. John himself hath described that Church under the Name of *Babylon*, that cruel City, and of a *BEAST*, which like a Bear, tramples all under its Feet; and of another *Beast*, which causes as many as will not worship the Image of the Beast, to be killed; and that no man may buy or sell, save such as have had his Mark; i. e. are of his Religion, Rev. 13. 1, 15, 16. This Character they will make good to the very end of their Reign, as they have fulfilled it from the beginning. They cannot alter their Nature no more than the *Ethiopian change his Skin, or the Leopard his Spots*. It ever was since the rising of the *Beast*, and it ever will be till its Fall, a bloody Church, which can bear no Contradiction to her Doctrine and Orders, but will endeavour to root out all those that oppose her from the Face of the Earth. Wit-  
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ness the Barbarous *Crisfado's* against the poor *Albigenses* in *France*: in one of which alone *Bellarmine* himself saith, and not without Triumph, there were killed no less than an hundred thousand. Witness the horrible Butcheries committed in *France*, in *England*, and in the *Low Countries* in the Age before us; and in *Poland*, the *Vallies of Piedmont*, and in *Ireland* in this Age; upon those who had no other Fault but this, that they made the Holy Scriptures, and the *Roman Church*, the Rule of their Faith.

IX. 'But if you be ignorant of what hath been done and doing abroad, yet I hope you observe what they do here at home. What do you think of the *Declaration* which was very lately imposed to be read in all our Churches? Which when several Bishops and their Clergy most humbly represented, they could not in Conscience publish to the People in time of Divine Service; this would not excuse them, their Petition was received with Indignation, and looked upon as a Libel; the Bishops were prosecuted for it, and Inquiry is now ordered to be made after those who did not read it (as well as those that did) that they may be punished by the High Commissioners. Call you this Liberty of Conscience? Or do you imagine you shall never have any thing imposed upon you to be read in your Congregations, which yett cannot comply withal? Consider, I beseech you, what will become of you when that time shall come? What's the meaning of this, that ever they are look'd upon as Offenders, for following their Conscience, whose Services have been acknowledged to be so great, that they should never be forgotten? It ought to teach Dissenters what they are to expect hereafter, when they have served them so far (by taking off the *Tests* and *Penal Laws*) as to enable them with safety to remember all their former pretended Transgressions. Let them assure themselves, the Services of the Church of *England* are not now more certainly forgotten than the Sins of Dissenters will hereafter, when they have got Power to punish them, be most certainly remembered. Be not drawn in then by deceitful Words, to help forward your own Destruction. If you will not be assistant to it, they cannot do it alone; and it will be very strange if you be persuaded to lend them your Help, when the Deceit is so apparent. For what are all the present Pleas for Liberty, but so many infamous Libels upon the *Roman Church*, which denies all Men this Liberty? While they declaim so loudly against *Persecution*, they most notoriously reproach *Papery*, which subsists by nothing but *Deceit* and *Cruelty*. And who can think that they would suffer their Church to be so exposed and reviled, as it is by such Discourses, but with a Design to cheat heedless People into its Obedience? For this end they can hear it proved, nay, prove it themselves to be an *Antichristian Church*, when they prove it is against *Christianity*, nay, against the Law of Nature and Common Reason, to trouble any Body for his Opinion in Religion.

X. 'Once more then, I beseech you, be not deceived by good Words, if you love your Liberty and your Life. Call to mind how our poor Brethren in *France* were lately deluded by the repeated Protestations which their King made, he would observe the Edict of *Nantes* (which was the Foundation of their Liberty) even then, when he was about to overthrow it; and by many Assurances which were given them by those who came to torment them, that the King intended to reform the Church of *France*, as soon as he had united his Subjects. What he had done already against the Court of *Rome*, told them, they was an Instance of it; and they should shortly see other Matters. Such ensnaring Words they heard there daily from the Mouths of their armed Prosecutors, who were ready to fall upon them, or had begun to oppress them: And therefore they would be arrant Fools here, if they did not give good words when they have no Power to hurt us. But we shall be far greater Fools, if we believe they will keep their Word when they have got that Power; the greatest of all Fools if we give them that Power. They have no other way but this, to wheedle us out of our Laws and Liberties. Do but surrender the one, I mean our Laws, and they will soon take away the other, our beloved Liberties. Be not tempted to make such a dangerous Experiment: but let the Laws stand as they are, because they are against them (as appears by their earnest Endeavours to repeal them) and be not used as Tools to take them away, because they have been grievous to you. They never can be so again. For can they, who now Court you, have the Face to turn them again upon you, after they have made all this Noise for Liberty? And the Church of *England*, you may be assured, will not any more trouble you: but when a Protestant Prince shall come, will join in the Healing of all our Breaches; by removing all things out of the way, which have long hindered that blessed Work. They cannot meet together in a Body to give you this Assurance (how should they, without the Kings Authority so to do?) but every particular Person that I have discoursed withal, which are not a few (and you yourselves would do well to ask them, when you meet them) profess that they see an absolute Necessity of making an end of these Differences that have almost undone us: and will no longer contend to bring all Men to one Uniformity; but promote an Uniform Liberty. Do not imagine I intend to give meer Words: I mean honestly; such a regular Liberty, as will be the Beauty and Honour, not the Blot and Discredit of our Religion. To such a Temper the Archbishop of *Canterbury*, with several other Bishops of his Province, and their Clergy, have openly declared they are willing to come. And the Bishops and Clergy of the Church of En-

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‘gland have never been know to act deceitfully Our Religion will not at any time allow them to equivocate, nor to give good VVords without a Meaning, much less at such a time as this, when our Religion is in great danger, and we have nothing to trust unto but Gods Protection of sincere Persons. *Let Integrity and Uprightness preserve us*, is their constant Prayer. They can hope for no Help from Heaven, if they should prevaricate with Men. God they know would desert them, if they should go about to delude their Brethren. And they are not so void of common Sense, as to adventure to incur his most high Displeasure, when they have nothing to rely upon but his Favour.

‘In short, *Trust* to those who own you for their Brethren, as you do them; for though they have been angry Brethren, yet there is hope of Reconciliation between such near Relations. But put no Confidence in those, who not only utterly disown any such Relation to you, but have ever treated you with an implacable Hatred, as their most mortal Enemies; unto whom it is impossible they should be reconciled.

Prov. 12. 19, 20. *The Lips of Truth shall be established for ever: but a lying tongue is but for a moment.*

*Lying Lips are an Abomination to the Lord; but they that deal truly are his Delight.*

### Abby and other Church-Lands, not yet assured to such Possessors as are Roman Catholicks; Dedicated to the Nobility and Gentry of that Religion.

Since it is universally agreed on, that so great a Matter as the total Alienation of all the *Abby-Lands*, &c. in *England*, can never be made legal and valid; and such as will satisfy the reasonable Doubts and Scruples of a religious and conscientious Person, except it be confirm’d by the Supreme Authority in this Church, tis evident that the Protestants, who assert the Church of *England* to be *Autokephalos*, and such as allows of no Foreign Jurisdiction or Appeals, having had these Lands confirmed to them by the King, as Head of the Church, the Convocation, as the Church Representative, and by the King and Parliament, as the Supreme Legislative Power in this Realm, have these Alienations made as valid to them as any Power on Earth can make them; but the Members of the Church of *Rome*, who maintain a Foreign and Supreme Jurisdiction, either in a General Council, or in the Bishop of *Rome*, or both together, cannot have these Alienations confirm’d to them, without the Consent of one or both of these Superior Jurisdictions. If therefore I shall make it appear, that these Alienations in *England* were never confirm’d by either, I do not see how any *Roman Catholick* in *England* can, without Sacrilege, retain them and his Religion together.

As to the first of these, since there hath been no Council from the first Alienation of *Abby-Lands* in *England* to this Day, that pretends to be general, but that of *Trent*; we need only look into that for the Satisfaction of such *Roman Catholicks* as esteem a General Council above the Bishop of *Rome*: And I am sure that that Council is so far from confirming these *Abby-Lands* to the present Possessors, that it expressly denounceth them accursed that detain them. *Seff. 22. Decret. de Ref. Cap. 11. Si quem*, &c. ‘If Covetousness, the Root of all Evil, shall so far possess any Person whatsoever, whether of the Clergy or Laity, though he be an Emperor or a King, as that by Force, Fear or Fraud, or any Art or Colour whatsoever, he presume to convert to his own Use, and usurp the Jurisdiction, Goods, Estates, Fruits, Profits or Emoluments whatever, of any Church, or any Benefice, Secular or Regular, Hospital or Religious House, or shall hinder that the Profits of the said Houses be not received by those to whom they do of right belong, let him lie under an *Anathema* till the said Jurisdiction, Goods, Estates, Rents and Profits, which he hath possessed and invaded, or which have come to him any manner of way, be restored to the Church; and after that have Absolution from the Bishop of *Rome*. So great a Terror did this strike into the *English* Papists that were Possessors of Church-Lands, against whom this *Anathema* seems particularly directed, that many of the zealous Papists began to think of Resignation, and Sir *William Peters*, notwithstanding his private Bull of Absolution from Pope *Julius* the Fourth, was so much startled at it, as that the very next Year he endowed eight new Fellowships in *Exeter-Colledge* in *Oxford*. Again, the same Council, *Seff. 25. Decret. de Ref. c. 20. Cupiens Sancta Synodus*, &c. Decreeeth and commandeth, that all the Holy Canon, and General Councils, and Apostolick Sanctions in Favour of Ecclesiastical Persons, and the Liberties of the Church, and against those that violate them, be exactly observed by every one; and doth farther admonish the Emperor, Kings, Princes, and all Persons of what Estate soever, that they would observe the Rights of the Church, as the Commands of God,

and defend them by their particular Patronage, nor suffer them to be invaded by any Lords or Gentlemen whatsoever; but severely punish all those who hinder the Liberties, Immunities and Jurisdictions of the Church; and that they would imitate those excellent Princes, who by their Authority and Bounty encreased the Revenues of the Church; so far were they from suffering them to be invaded, and in this let every one sedulously perform his part, &c. And now after so full and express Declaration of the Council of *Trent*, I do not see how any of those *Roman Catholicks*, who esteem a general Council to be the Supreme Authority in the Church, and receive the *Trent Council* as such, can any way excuse themselves in point of Conscience from these heavy Curses that are there denounced against all those that detain Church-Lands, especially since the Papists themselves vehemently accuse King *Henry* the eighth for sacrilegiously robbing of Religious Houses, and seizing of their Lands; a great part of which Lands are to this very day possess'd by Papists. Now though there may be some Plea for the Popes Authority, in the interim of a general Council, and in such things wherein they have made no determination; yet in this matter there is no colour for any pretences, since the Council of *Trent* was actually assembled within few years after these Alienations, and expressly condemned the possessors of *Abby Lands*, and after all this was all confirm'd and ratified by the Pope himself in his *Bulla Super conf. gen. Concil. Trid. A. D. 1564*. And tho' we have here the Judgment of the infallible See, as to this matter in the Confirmation of the *Trent Council*, yet because there be some that magnifie the Popes extravagant and unlimited power over the Church, and pretend that he confirm'd the *Abby-Lands* in *England* to the Lay-possessors of them, I shall shew. Secondly, That the Pope neither hath, nor pretends to any such Power, nor did ever make use of it in this matter under debate; only I shall premise, that whereas some part of the Canon-Law seems to allow of such particular alienations as are made by the Clerks and Members of the Church, with the consent of the Bishop, yet such free consent was never obtained in *England*, and as to what was done by force, fraud, and violence, is of so little moment as to giving a legal Title, that even the alienations that were made by *Charles Martell*, who is among the Papists themselves as infamous for Sacrilege as King *Henry* the Eighth, yet even his Acts are said to be done by a Council of Bishops as is acknowledg'd by *Dr. Johnson* in his assurance of *Abby Lands*, p. 27. I shall proceed to shew, First, That the Pope hath no such power as to confirm these Alienations, and this is expressly determined by the infallible Pope *Damasus* in the Canon-Law. *Caus. 12. q. 2. c. 20*. The Pope cannot alienate Lands belonging to the Church in any manner, or for any necessity whatsoever, both the buyer and the seller lie under an Anathema till they be restored, so that any Church-man may oppose any such Alienations, and again require the Lands and Profits so Alienated. So that here we have a full and express Determination of the infallible See. And tho in Answer to this it is urged by *Dr. Johnson*, that this Canon is with small difference published by *Binius* in the Councils, and so as to confine it to the suburbicacy Diocess of *Rome*; yet that this Answer is wholly trivial, will appear.

First, Because if the Bishop of *Rome* hath no Authority to confirm such alienations in his own peculiar Diocess where he hath most power, much less can he do it in the Provinces where his power is less.

Secondly, That in all Ecclesiastical Courts of the Church of *Rome*, it is not *Binius's* Edition of the Councils, but *Gratian's* Collection of Canons, that is of Authority, in which Book these words are as here quoted.

Thirdly, Since this Book of the Popes Decree hath been frequently reprinted by the Authority and Command of several Popes, and constantly used in their Courts; this is not to be look'd upon as a Decree of Pope *Damasus* only, but of all the succeeding Popes, and in the opinion of *F. Ellis*, (*Sermon before the King, Decem. 5. 1686. p. 21.*) what is inserted in the Canon Law is become the whole Judgment of the whole Church.

Fourthly, It's absolutely forbid by Pope *Gregory* the Thirteenth, in his Bull prefixed before the Canon-Law (*A. D. 1580.*) for any one to add, or invert any thing in that Book.

So that according to this express Determination in the Popes own Law, the Bishops of *Rome* have no power to confirm any such Alienations as have been made in *England*, and agreeable to all this Pope *Julius* the Fourth, (the very person that is pretended to have confirm'd these Alienations) declar'd to our *English* Ambassadors that were sent upon that Errand; That if he had Power to grant it, he would do it most readily, but his Authority was not so large. *F. Paul's H. of Council of Trent, Lond. A. D. 1629*. And therefore all Confirmations from the Bishop of *Rome*, are already prejudg'd to be invalid, and of no force at all.

Secondly, No Bishop of *Rome* did ever confirm them. The Breve of Pope *Julius* the Third which gave Cardinal *Pool* the largest powers towards the effecting this, had this express limitation, *Salvo tamen in his, quibus propter rem magnitudinem & gravitatem hac Sancta sedes merito videtur consulenda, nostro & prefate sedis beneplacito & confirmatione*, i. e. Saving to us in these matters (in which by reason of their weight and greatness this Holy See may justly seem to you, that of right it ought to be consulted) the good pleasure and confirmation of us and



of the holy See, which is the true *English* to that *Latin*, and that this whole Kingdom did then so understand these words, is evident from the Ambassadors that were sent to Rome the next Spring, *Viz.* Viscount Montecute, Bishop of Ely, and Sir Edward Carn; (These being one to represent every state of the Kingdom,) to obtain of him a Confirmation of all those Graces which Cardinal Pool had granted. *Burnet's H. Ref. p. 2. f. 300.* So that in the esteem of the whole Nation, what the Cardinal had done was not valid without the Confirmation of the Pope himself. Now this Pope *Julius*, and the next *Marcellus* both died before there is any pretence of any Confirmation from Rome; but this was at length done by Pope *Paul* the Fourth, is pretended, and for proof of it three things are alledged, First, The Journals of the House of Commons where are these words, *After which was read a Bill from the Popes Holiness, confirming the doing of my Lord Cardinal, touching the assurance of Abby Lands, &c.* Secondly, a Bull of the same Pope to Sir *Will. Peters*. Thirdly, The Decrees of Cardinal *Pool*, and his Life by *Dudithius*: To all which I answer,

First, That its confest'd on all hands, that there is no such Bull or Confirmation by Pope *Paul* the Fourth, to be any where found in the whole World, not any Copy or Transcript of it, not in all the *Bullaria*, nor our own Rolls and Records, tho' it be a matter of so great moment to the Roman Catholicks of *England*, and what cannot be produced may easily be denied. Nor can it be imagined that a Journal of Lay-persons that were parties concerned, or a private Bull to Sir *Will. Peters*, or some hints in the Decrees and Life of the Cardinal will be of any moment in a Court at Rome, whensoever a matter of that vast consequence, as all the *Abby Lands* in *England* shall come to be disputed, especially if it be observed, that this very Journal of the House of Commons is no publick Record, but hath pass'd through private hands, hath been corrupted and defaced, and that in Passages of the greatest moment, as are the words of *W. Hakewell* Esq; in his Observation upon them 70 Years since, printed *A. D.* 1641. And whereas the Journals of the House of Lords are true Records, and kept by their proper Officer; there is not one word to be found of any such confirmation,

Secondly, If there ever was any such Bull, it had this limitation in it, that the Possessors of such Lands should bestow them all on Colleges, Hospitals, parochial Ministers, or other such like spiritual Uses? and this I prove,

First, Because the famous Instances that are usually given of the Popes Alienations of Church Lands, were only a changing them from one religious Use to another. Thus when Pope *Clement* the Fifth, *A. D.* 1307. suppress'd the *Knights-Templars* in this Nation, and seiz'd all their Lands and Goods, he gave them all to the Hospitaller of *St. John of Jerusalem*, and that was ratified in Parliament, 17. *Edw.* Second, which Act sets forth, *That the those Lands were escheated to the Lords of the Fee by the said Dissolution, yet it was not lawful to detain them.* When Pope *Clement* the Seventh, *A. D.* 1528. gave Cardinal *Woolsey* a Power to suppress several Monasteries; he was to transferr all their Goods and possessions to his Collegiate Church at *Windsor*, and to Kings Colledge in *Cambridge*; and when the same Pope gave the same Cardinal many other Religious Houses, it was for the endowing *Christ Church* in *Oxford*, and his Colledge in *Ipswich*: And to Name no more, when Pope *Alexander* the seventh, *A. D.* 1655. suppress'd the Order of the *Frates Cruciferi*, he dispos'd of all their Houses, Farms and Rights to such uses and pious works as he thought fit. *Vide Bullar. Ludg. Vol. Ult. Fol. 220.*

Secondly, When this very Pope was attended with the *English* Ambassadors that came to his Confirmation, the Pope found fault with them, 'That the Church-yards were not restored, saying that it was by no means to be tolerated, and that it was necessary to render all even to a Farthing, because the things that belong to God, can never be applied to humane uses, and he that withholdeth the least part of them, is in a continual state of Damnation; that if he had power to grant them he would do it most readily, — but his Authority was not so large as that he might profane the things that are dedicated to God; and let *England* be assured that this would be an *Anathema*, &c. *F. Pauls H. of the Council of Trent; p. 392. Slesdani Com. p. 779.* And all this was said by the Pope within four Months of the pretended Confirmation.

Thirdly, The private Bull to Sir *W. Peters* bears date within two Months after the pretended Confirmation, *vide. Sir W. Dugdales Eccl. Col. Fol. 207.* The Title of which Bull is this 'The Bull of *Paul* the Fourth Bishop of *Rome*, in which he confirms to Sir *W. Peters* all and singular the Sales of several Mannors, &c. sometimes belonging to Monasteries, which the said Sir *W. Peters* is ready to assign and demise to spiritual uses. Then follows the Bull it self, which saith, That this Confirmation was humbly desired from us, and that there were reasonable Causes to perswade it, *viz.* a Petition exhibited by the said Sir *W. Peters*, that the Mannors, &c. belonging to certain Monasteries, and sold to him by King *Henry* the Eighth, which he is ready to assign and demise to spiritual uses, may be approved and confirmed to him; wherefore the said Pope doth acquit and absolve him, being inclined by the said supplications, &c. By which Bull Sir *W. Peters* had no power given him to keep those Lands or dispose of them to his Heirs, but only to distribute them to such Religious uses as he thought fit. Now it is a most implorable thing, that Sir *W. Peters* should petition the Pope for a limited

limited Dispensation, if the whole Nation, as is pretended, had been absolutely dispensed with but two Months before, without any limitation at all: So that either there was no such General Confirmation, or else it was limited, with the same restrictions as that to Sir *W. Peter*, viz. To bestow them upon spiritual Uses. And this is the only probable Reason why in England this Bull is wholly suppress'd and lost. In Confirmation of this, it may be observed, that Cardinal *Pool*, notwithstanding his Dispensation, earnestly exhorted all persons by the Bowels of Christ Jesus, that not being unmindful of their Salvation, they would at least out of their Ecclesiastical Goods take care to encrease the Endowments of Parsonages and Vicarages, that the Incumbents may be commodiously and honestly maintain'd according to their Quality and Estate, whereby they may laudibly exercise the cure of Souls, and support the incumbent Burthens, and farther urg'd the Judgments that fell upon *Balthazar*, for converting the holy Vessels to prophane uses.

Fourthly, Queen *Mary*, who best understood what had been done, after the time of this pretended Confirmation from the pope, restored all the Church Lands that were then in the Crown, saying, "That they were taken away contrary to the Law of God, and of the Church, and therefore her conscience did not suffer her to detain them, &c. When she gave them to the pope and his Legate to dispose of to the Honour of God, &c. she said, "She did it because she set more by the Salvation of her Soul than ten such Kingdoms. *Heylin's H. Ref.* p. 235. And to this Act of Restitution, she was vehemently press'd by the Pope and his Legate. *F. Paul's H. of the C. of Trent*, p. 393. *Dudithius in vita poli.* p. 32. And these things thus restored by the Queen, were disposed of by the Legate to several Churches, *Dudithius, ib.* From all which it's evident, that neither the Pope, nor his Legate, nor Queen *Mary* knew of any such confirmations of these Alienations as would quiet the conscience without restoring them to spiritual uses.

Fifthly, Queen *Mary*, not only did so her self, but press'd it vehemently upon her Nobles and Parliament, that they would make full Restitution, *Heylin* p. 237. *Sleidan.* p. 791. and several of them, as Sir *Thomas*, Sir *Wylliam Peters*, &c. who had swallowed the largest morsels of those Lands did make some sort of Restitution, tho' not to the Abbies themselves, yet to Colleges and Religious Uses.

Sixthly, This very pope *Paul* the Fourth, published a Bull, in which he threatn'd Excommunication to all manner of persons as kept any Church-Lands to themselves, and to all Princes, Noblemen, and Magistrates, that did not forthwith put the same in Execution. *Heylin's H. Ref.* p. 238. So that by a new Decree he retrieved all those Goods and Ecclesiastical Revenues which had been alienated from the Church, since the time of *Julius* the Second, *Rymer's Contin.* p. 112. So improbable a story is it, that this Pope confirmed these Alienations in England. And whereas Dr. *Johnston*, p. 173. hath these words, Mr. Fox saith, 'The Pope published a Bull in print against the restoring of Abby-Lands, which Dr. *Burnet* affirms also, Ap. Fol. 403. It is notoriously false, they both asserting the contrary; Dr. *Burnet's* Words in that very place are these: 'The Pope in plain terms refused to ratifie what the Cardinal had done, and soon after set out a severe Bull, cursing and condemning all that held any Church-Lands.

Seventhly and lastly, The succeeding Popes have been clearly of this opinion. Pope *Pius* the Fourth, who immediately succeeded this *Paul*, confirm'd the Council of *Trent*, and therein damnd all the detainers of Church-Lands; and tho he was much importuned to confirm some Alienations made by the King of *France* to pay the debts of the Crown, yet he absolutely refused it, *F. Paul's H. C. Trent.* 713. Pope *Innocent* the Tenth, first protested against the Alienations of Church Lands in *Germany*, that were made at the great Treaty of *Munster* and *Ofenburg.* A. D. 1648. and when that would not do, by his Bull, Nov. 26. in the very same Year, damns all those that should dare to retain the Church-Lands, and declares the Treaty void. *Instrumentum pacis, &c. & Innocentii 10 me declaratio nullitatis. Artic. &c.* and all their late Popes in the *Bulla cane* do very solemnly, 'Damn and Excommunicate all who usurp any Jurisdiction, Fruits, Revenues, and Emoluments belonging to any Ecclesiastical person upon account of any Churches, Monasteries, or other Ecclesiastical Benefices, or who, upon any occasion or cause, sequester the said Revenues without the Express leave of the Bishop of *Rome*, or others, having lawful power to do it, &c. And tho upon Good-Friday there is published a general Absolution, yet out of that are expressly excluded all those who possess any Church Lands or Goods, who are still left under the sentence of Excommunication. *Toleti Instr. Sacerd.* and his *Explicatio casuum in Bulla cane Dni servata.*

From which consideration it's evident, that it never was the design of the Pope to confirm the English Church-Lands to the Lay-possessors, but that he always urg'd the necessity of restoring of them to religious uses; in order to which, the papists prevailed to have the statute of *Mortmain* repealed for 20 Years. In Queen *Elizabeth's* Reign the factious party that was manag'd wholly by Romish Emisseries, demanded to have Abbies and such Religious Houses restored for their Use, and A. D. 1585. in their petition to the Parliament, they set it down as a resolute

Doctrine

Doctrine, that things once dedicated to Sacred Uses ought so to remain by the Word of God for ever, and ought not to be converted to any private Use, Bishop Bancrofts Sermon at p. c. A. D. 1588. p. 25. And that the Church of Rome is still gaping after these Lands, is evident from many of their late Books, as the Religion of M. Luther, lately printed at Oxford, p. 15. The Monk wrote Anathema upon the Registers and Donations belonging to Monasteries; the weight and effect of which curses are both felt and dreaded to this day. To this End, the Monasticall Anglicanism is so diligently preserved in the Vatican, and other Libraries in the popish Countries; and especially this appears from the obstinate refusal of this present Pope to confirm these Alienations, tho it be a matter so much controverted, and which would be of that vast Use towards promoting their Religion in this Kingdom.

If therefore the Bishops of Rome did never confirm these Alienations of Church-Lands, but earnestly and strictly required their Restitution; if they have declared in their Authentick Canons, that they have no power to do it, and both they and the last general Council pronounce an heavy Curse and Anathema against all such as detain them: Then let every one that possesseth these Lands, and yet own either of these Foreign Jurisdictions, consider, that here is nothing left to excuse him from Sacrilege, and therefore with his Estate he must derive a curse to his posterity. There is scarcely any Papist but that is forward to accuse King Henry the 8th. of Sacrilege, and yet never reflects upon himself who quietly possesseth the Fruits of it, without Restitution, either let them not accuse him, or else restore themselves. Now whatever opinions the papists may have of these things in the time of health, yet I must desire to remember what the Jesuits proposed to Cardinal Pool in Doctor Pary's Days, Viz. That if he would encourage them in England, they did not doubt but that by dealing with the Consciences of those who were dying, they should soon recover the greatest part of the Goods of the Church. Dr. Burnet's Hist. Vol. 2. p. 328. Not to mention that whensoever the Regulars shall grow numerous in England, and by consequence burthensome to the few Nobility and Gentry of that persuasion, they will find it necessary for them to consent to a Restitution of their Lands, that they may share the burthen among others. For so vast are the Burthens and Payments that that Religion brings with it, that it will be found at length an advantageous Bargain to part with all the Church Lands to indemnifie the rest. And I am confident that the Gentry of England that are Papists, have found greater Burthens and Payments since their Religion hath been allow'd, than ever they did for the many years it was forbid; and this charge must daily encrease so long as their Clergy daily grows more numerous, and their few Converts are most of them of the meanest Rank, and such as want to be provided for: And that's no easie matter to force Converts, may appear from that Excellent Observation of the great Emperour Charles the Fifth, who told Queen Mary, That by endeavouring to compel others to his own Religion, he had tired and spent himself in vain, and purchas'd nothing by it, but his own dishonour. Card. Pool in Heylin's Hist. Ref. p. 217. And to conclude this Discourse, had the Act of Pope Julius the Third by his Legate Cardinal Pool, in confirming of the Alienation of Church Lands in England, been as valid as is by some pretended? yet what shall secure us from an Act of Resumption? That very Pope after that pretended Grant to Cardinal Pool, published a Bull, in which he Excommunicated all that kept Abby-Lands or Church Lands, Burnet's Hist. Vol. 2. p. 309. by which all former Grants, had there been any, were cancell'd. His Successor, Pope Paul the Fourth, retrieved all the Goods and Ecclesiastical Revenues that had been alienated from the Church, since the time of Julius the Second; and the chief Reasons that are given why the Popes may not still proceed to an Act of Resumption of these Lands in England, amount only to this, That they may stay for a fair opportunity, when it may be done without disturbing the peace of the Kingdom. From all which it's evident, that the detaining of Abby-Lands, and other Church-Lands, from the Monks and Friars, is altogether inconsistent with the Doctrine and Principles of the Romish Religion,



## *The King's Power in Ecclesiastical Matters truly stated.*

**H**IS present Majesty having erected an High-Commission *Court* to enquire of, and make redress in, Ecclesiastical Matters, &c.

Q. Whether such a Commission, as the Law now stands, be good or not?

And I hold that the Commission is not good. And to maintain my Opinion herein, I shall, in the first place, briefly consider, what Power the Crown of England had in Ecclesiastical or Spiritual Matters (for I take them to be synonymous Terms) before 17 Car. 1. ca. 11. And, Secondly, I shall particularly consider the Act of 17 Car. 1. ca. 11. And Thirdly, I shall consider 13 Car. 2. ca. 12. And by that time I have fully considered these three Acts of Parliament, it will plainly appear, that the Crown of England hath now no Power to erect such a Court.

I must confess, and do agree, That by the Common Law all Ecclesiastical Jurisdiction was lodged in the Crown; and the Bishops, and all Spiritual Persons derived their Jurisdiction from thence: And I cannot find that there were any Attempts by the Clergy to divest the Crown of it, till William the First's Time, and his Successors down to King John, the Pope obtained four Points of Jurisdiction. First, Sending of Legates into England. Secondly, Drawing of Appeals to the Court of Rome. Thirdly, Donation of Bishopricks, and other Ecclesiastical Benefices. And Fourthly, Exemption of Clerks from the Secular Power. Which four Points were gained within the space of an hundred and odd Years; but with all the Opposition imaginable of the Kings and their People; and the Kingdom never came to be absolutely enslaved to the Church of Rome till King John's Time, and then both King and People were, and so continued to be in a great measure in Henry the Third's Time; and so would in all likelihood have continued, had not wise Edward the First opposed the Pope's Usurpation, and made the Statute of Mortmain: But that which chiefly brake the Neck of this, was, That after the Pope and Clergy had endeavoured in Edward the Second's Time, and in the beginning of Edward the Third, to usurp again; Edward the Third did resist the Usurpation, and made the Statutes of Provisors, 25 Ed. 3. and 27 Ed. 3. And Richard the Second backed those Acts with 16 Rich. 2. ca. 5. and kept the Power in the Crown by them Laws, which being interrupted by Queen Mary (a bloody Bigot of the Church of Rome) during her Reign, there was an Act made in 1 Eliz. ca. 1. which is intituled, *An Act to restore to the Crown the ancient Jurisdiction over the Keesle's Estate Ecclesiastical and Spiritual, and abolishing all foreign Powers repugnant to the same*, Stat. From which Title I collect three things. First, That the Crown had anciently a Jurisdiction over the Estate Ecclesiastical and Spiritual. Secondly, That that Jurisdiction had for some time been at least suspended, and the Crown had not exercised it. Thirdly, That this Law did not introduce a new Jurisdiction, but restored the old; but with restoring the old Jurisdiction to the Crown, gave a Power of delegating the Exercise of it. And as a Consequence from the whole, that all Jurisdiction that is lodged in the Crown, is subject nevertheless to the Legislative Power in the Kingdom.

I shall now consider what Power this Act of 1 Eliz. 1. declares to have been anciently in the Crown, and that appears from Sect. 16, 17, 18. of the same Act.

Section 16. Abolisheth all Foreign Authority in Cases Spiritual and Temporal, in these VVords: *And to the intent that all the Usurped and Foreign Power and Authority, Spiritual and Temporal, may for ever be clearly extinguished, and never to be used or obeyed within this Realm, or any other Your Majesties Dominions or Countries. (2.) May it please Your Highness, that it may be further Enacted by the Authority aforesaid, that no Foreign Prince, Person, Prelate, State or Potentate Spiritual or Temporal, shall at any time after the last Day of this Session of Parliament, use, enjoy, or exercise any manner of Power, Jurisdiction, Superiority, Authority, Prebeminence or Priviledge Spiritual or Ecclesiastical within this Realm, or within any other Your Majesties Dominions or Countries that now be, or hereafter shall be, but from thenceforth the same shall be clearly Abolished out of this Realm, and all other Your Highness's Dominions for ever; any Statute, Ordinance, Custom, Constitutions, or any other Matter or Cause whatsoever to the contrary in any wise notwithstanding.* And after the said Act hath abolished all Foreign Authority, in the very next Section, Sect. 17. It annexeth all Ecclesiastical Jurisdiction to the Crown in these VVords: *And that also it may likewise please your Highness, That it may be Established and Enacted by the Authority aforesaid, That such Jurisdictions, Priviledges, Superiorities, and Prebeminencies, Spiritual and Ecclesiastical, as by any Spiritual or Ecclesiastical Power or Authority hath heretofore been, or may lawfully be exercised, or used for the Visitation of the Ecclesiastical State and Persons, and for Reformation, Order and Correction of the same, and of all manner of Errors, Heresies, Schisms, Abuses, Offences, Contempts and Enormities shall for ever, by Authority of this present Parliament, be United and Annexed to the Imperial Crown of this Realm.* From these VVords, That such Jurisdiction, &c. as by any Spiritual or Ecclesiastical Power or Authority

had then-to-fore been exercised or used, were annexed to the Crown; I observe, That the Four things aforesaid, wherein the Pope had incroached, were all restored to the Crown; and likewise all other Ecclesiastical Jurisdiction that had been exercised or used in this Kingdom, and did thereby become absolutely vested in the Crown.

Then *Section 18.* Gives a Power to the Crown to assign Commissioners to exercise this Ecclesiastical Jurisdiction in these Words: *And that Your Highness, Your Heirs and Successors, Kings or Queens of this Realm, shall have full Power and Authority, by Virtue of this Act, by Letters Patents under the Great Seal of England, to Assign, Name, and Authorize, when, and as often as Your Highness, Your Heirs or Successors shall think meet and convenient, and for such, and so long time as shall please Your Highness, your Heirs or Successors, such Person or Persons, being natural born Subjects to Your Highness, Your Heirs or Successors, as Your Majesty, Your Heirs or Successors shall think meet to Exercise, Use, Occupy and Execute under Your Highness, Your Heirs and Successors, all manner of Jurisdictions, Privileges and Prebeminencies in any wise touching or concerning any Spiritual or Ecclesiastical Jurisdiction within these Your Realms of England and Ireland, or any other Your Highness's Dominions and Countries; (2.) and to visit, Reform, Redress, Order, Correct and Amend all such Errors, Heresies, Schisms, Abuses, Offences, Contempts and Enormities whatsoever, which by any manner of Spiritual or Ecclesiastical Power, Authority or Jurisdiction can, or may lawfully be Reformed, Ordered, Redressed, Corrected, Restrained and Amended, to the pleasure of Almighty God, the Increase of Virtue, and the Conservation of the Peace and Unity of this Realm; (3.) And that such Person or Persons so to be Named, Assigned, Authorized and Appointed by Your Highness, Your Heirs or Successors, after the said Letters Patents to him or them made and delivered, as is aforesaid, shall have full Power and Authority, by Virtue of this Act, and of the said Letters Patents under Your Highness, Your Heirs and Successors, to exercise, use and execute all the premises, according to the Tenor and Effect of the said Letters Patents, any matter or cause to the contrary in any wise notwithstanding.*

So that, I take it, that all manner of Ecclesiastical Jurisdiction was in the Crown by the Common Law of England, and declared to be so by the said Act of 1 Eliz. 1. and by that Act, a Power given to the Crown to assign Commissioners to exercise this Jurisdiction; which was accordingly done by Queen Elizabeth, and a High Commission Court was by her erected; which state and held Plea of all Causes, Spiritual and Ecclesiastical, during the Reign of Queen Elizabeth, King James the First, and King Charles the First, till the 17th. Year of his Reign.

Which leads me to consider the Statute of 17 Car. 1. ca. 11. which Act recites the Title of 1 Eliz. ca. 1. and Sect. 18. of the same Act, and recites further, *Section 2.* That whereas by colour of some Words in the aforesaid Branch of the said Act, whereby Commissioners are authorized to execute their Commission according to the Tenor and Effect of the Kings Letters Patents, and by Letters Patents grounded thereupon, the said Commissioners have to the great and insufferable Wrong and Oppression of the Kings Subjects, used to Fine and Imprison them, and to exercise other Authority, not belonging to Ecclesiastical Jurisdiction restored by that Act, and divers other great Mischiefs and Inconveniences have also ensued to the Kings Subjects, by occasion of the said Branch, and Commissions issued thereupon, and the Executions thereof: Therefore for the repressing and preventing of the aforesaid Abuses, Mischiefs and Inconveniences in time to come, (by Sect. 3. the said Clause in the said Act 1 Eliz. 1. is Repealed with a Non obstante to the said Act, in these Words:) *Be it Enacted by the Kings most excellent Majesty, and the Lords and Commons in this present Parliament Assembled, and by the Authority of the same, That the aforesaid Branch, Clause, Article or Sentence contained in the said Act, and every Word, Matter and thing contained in that Branch, Clause, Article or Sentence, shall from henceforth be Repealed, Annulled, Revoked, Annihilated and utterly made Void for ever; any thing in the said Act to the contrary in any wise notwithstanding.*

And in Sect. 5. of the same Act, it is Enacted, That from and after the first of August (in the said Act mentioned) all such Commissions shall be void, in these Words, *And be it further Enacted, That from and after the said first Day of August, no new Court shall be erected, ordained or appointed within this Realm of England, or Dominion of Wales, which shall or may have the like Power, Jurisdiction or Authority as the said High Commission Court now hath, or pretendeth to have; but that all and every such Letters Patents, Commissions and Grants, made or to be made by his Majesty, his Heirs and Successors; and all Powers and Authorities, granted or pretended, or mentioned to be granted thereby; And all Acts, Sentences, and Decrees, to be made, by virtue or Colour thereof, shall be utterly void, and of none effect.*

By which Act then, the Power of Exercising Ecclesiastical Jurisdiction by Commissioners, under the Broad-Seal, is so taken away, that it provides no such Power shall ever for the future be Delegated by the Crown, to any Person or Persons whatsoever.

Let us then in the last place consider, Whether the Act of 13 Car. 2. ca. 12. hath restored this Power or not?

And

And for this, I take it, that it is not restored by the said Act, or any Clause in it; and to make this evident, I shall first set down the whole Act, and then consider it in the several Branches of it, that relate to this Matter: The Act is Entituled,

*An Act for Explanation of a Clause contained in an Act of Parliament made in the 17th. Year of the Late King Charles, Entituled, An Act for Repeal of a Branch of Statute, in Primo Elizabethæ; concerning Commissioners for Causes Ecclesiastical.*

The Act it self runs thus, *Whereas in an Act of Parliament, made in the Seventeenth Year of the Late King Charles, Intituled, An Act for Repeal of a Branch of a Statute primo Elizabethæ, concerning Commissioners for Causes Ecclesiastical, It is (amongst other things) Enacted, that no Arch-bishop, Bishop or Vicar-General, nor any Chancellor, nor Commissary of any Arch-Bishop, Bishop or Vicar-General, nor any Ordinary whatsoever, nor any other Spiritual or Ecclesiastical Judge, Officer, or Minister of Justice, nor any other Person or Persons whatsoever, exercising Spiritual or Ecclesiastical Power, Authority, or Jurisdiction, by any Grant, Licence, or Commission of the Kings Majesty, His Heirs, or Successors, or by any Power or Authority derived from the King, his Heirs or Successors, or otherwise, shall (from and after the First Day of August which then should be in the Year of our Lord God, 1641.) Award, Impose or Instruct any Pain, Penalty, Fine, Amercement, Imprisonment, or other Corporal Punishment upon any of the Kings Subjects, for any Contempt, Misdemeanor, Crime, Offence, Matter or Thing whatsoever, belonging to Spiritual or Ecclesiastical Cognizance or Jurisdiction: (2.) Whereupon some Doubt hath been made that all ordinary Power of Coercion, and proceeding in Causes Ecclesiastical were taken away, whereby the ordinary Course of Justice in Causes Ecclesiastical hath been obstructed. (3.) Be it therefore Declared and Enacted by the Kings most Excellent Majesty, by, and with the Advice and Consent of the Lords and Commons in this present Parliament Assembled, and by the Authority thereof, that neither the said Act, nor any thing therein contained, doth or shall take away any ordinary Power or Authority from any of the said Arch-Bishops, Bishops, or any other Person or Persons, named as aforesaid, but that they and every of them, exercising Ecclesiastical Jurisdiction, may proceed, determine, Sentence, execute and exercise all manner of Ecclesiastical Jurisdiction, and all Censures and Coercions appertaining and belonging to the same, before any making of the Act before recited, in all Causes and Matters belonging to Ecclesiastical Jurisdiction, according to the Kings Majesties Ecclesiastical Laws, used and published in this Realm, in as ample Manner and Form as they did and might lawfully have done before making of the said Act.*

Sec. 2. *And be it further Enacted by the Authority aforesaid, That the afore recited Act of Decimo Septimo Car. and all the Matters and Clauses therein contained (excepting what concerns the High Commission Court, or the new Erection of some such like Court by Commission) shall be and is thereby repealed to intents and purposes whatsoever, any thing, clause or sentence in the said Act contained to the contrary notwithstanding.*

Sec. 3. *Provided always, and it is hereby Enacted, That neither this Act, nor any thing herein contained, shall extend, or be construed to revive, or give Force to the said Branch of the said Statute made in the said First Year of the Reign of the said Late Queen Elizabeth, mentioned in the said Act of Parliament made in the Seventeenth Year of the Reign of the said King Charles; but that the said Branch of the said Statute, made in the said First Year of the Reign of the said Late Queen Elizabeth, shall stand and be Repealed in such sort as if this Act had never been made.*

Sec. 4. *Provided always, and it is hereby Enacted, That it shall not be lawful for any Arch-bishop, Bishop, Vicar-General, Chancellor, Commissary, or any other Spiritual or Ecclesiastical Judge, Officer, or Minister, or any other person having or exercising Spiritual or Ecclesiastical Jurisdiction, to Tender or Administer unto any Person whatsoever, the Oath usually called Ex Officio, or any other Oath whereby such person, to whom the same is tendered or administered, may be charged or compelled to confess or accuse, or to purge him or herself of any Criminal matter or thing, whereby he or she may be liable to Censure or Punishment; any thing in this Statute, or any other Law, Custom or Usage heretofore to the contrary hereof in any wise notwithstanding.*

Sec. 5. *Provided always, That this Act, or any thing therein contained, shall not extend, or be construed to extend, to give unto any Arch Bishop, Bishop, or any other Spiritual or Ecclesiastical Judge, Officer, or other person or persons aforesaid, any Power or Authority to Exercise, Execute, Instruct or Determine any Ecclesiastical Jurisdiction, Censure or Coercion, which they might not by Law have done before the Year of our Lord 1639. (2.) Nor to abridge or diminish the Kings Majesties Supremacy in Ecclesiastical Matters and Affairs, nor to confirm the Canons made in the Year 1640. nor any of them, nor any other Ecclesiastical Laws or Canons not formerly confirmed, allowed or enacted by Parliament, or by the established Laws of the Land, as they stood in the Year of our Lord, 1639.*

From the Title of the Act, and the Act it self considered, I gather:

First, That it is an Explanatory Act of the 17th. of Car. 1. as to one particular Branch of it, and not introductive of any new Law.

Secondly, That the Occasion of making it was not from any Doubt that did arise, Whether the High Commission Court were taken away? or whether the Crown had Power to erect any such like Court for the future, but from a Doubt that was made, that all ordinary Power of Coercion, and Proceedings in Causes Ecclesiastical was taken away, whereby Justice in Ecclesiastical Matters was obstructed;



obstructed; and this Doubt did arise from a Clause in 17 Car. 1. ca. 11. Sect. 4. herein mentioned to be recited in the said Act of 13 Car. 2. ca. 12.

Thirdly, That this Statute of 13 Car. 2. ca. 12. as appears upon the Face of it, was made to the intent the ordinary Jurisdiction which the Bishops and other Ecclesiastical Persons had always exercised under the Crown, might not be infringed; but not to restore to the Crown the power of Delegating the Exercise of Ecclesiastical Jurisdiction by Letters Patents to Lay persons or any others, and as to this, nothing can be plainer, than the Words of the Act it self, Sect. 2.

Whereby 17 Car. 1. is repealed, but takes particular care to except what concerned the High Commission Court, or the new Erection of some such Courts by Commission.

Neither did the Law-makers think this Exception in that Statute of 13 Car. 2. ca. 12. Sect. 2. to be sufficient, but to put the Matter out of all doubt, in the Third Section of the same Statute, It is provided and Enacted, That neither that Act, nor any thing therein contained, should extend or be construed to revive, or give force to the Branch of 1 Eliz. 1. Sect. 18. but that the same Branch should stand absolutely Repealed. And if so, then the power of the Crown to delegate the Exercise of Ecclesiastical Jurisdiction is wholly taken away; for it was vested in the Crown by 1 Eliz. 1. and taken away by 17 Car. 1. ca. 11. and is in no manner restored by 13 Car. 2. ca. 12. or any other.

But there may arise an Objection from the Words in the Statute of 13 Car. 2. ca. 12. that saith, That that Act shall not extend to abridge or diminish the Kings Majesties Supremacy in Ecclesiastical Matters and Affairs. Whence some Men would gather, that the same power still remains in the Crown that was in it before, 17 Car. 1. ca. 11.

To which Objection I give this Answer, That every Law is to be so constructed, that it may not be *Felo de se*, and that for the Honour of the Legislators, King, Lords and Commons. Now I would appeal to the Gentlemen themselves, that assert this Doctrine, Whether they can so construe the Act of 13 Car. 2. ca. 12. as they pretend to do, without offering Violence to their own Reason? For when the 17 Car. 1. ca. 11. had absolutely repealed the Branch of 1 Eliz. 1. that vested the power in the Crown of Delegating the Exercise of Ecclesiastical Jurisdiction, and Enacts, That no such Commission shall be for the future; and the Act of 13 Car. 2. ca. 12. Repeals the 17 Car. 1. ca. 12. except what relates to that particular Branch, there can no more of the Kings Supremacy in Ecclesiastical Matters and Affairs, be saved by the saving in the 13 Car. 2. ca. 12. but what was left in the Crown by 17 Car. 1. ca. 11.

And now I hope I have sufficiently evinced, That all the Proceedings before the Ecclesiastical Commissioners are *CORAM NON JUDICE*; and therefore have sufficient Reason to believe, That the same would never have been set on foot by his present Majesty (who had always the Character of *JAMES the Just*, and hath promised upon his Royal Word, That he will invade no Mans Property) had he not been advised thereunto by them who are better versed in the Canons of the Church of *ROME*, than in the Laws that relate to the *CROWN* and *CHURCH* of *ENGLAND*.

*A LETTER, Writ by Mijn Heer Fagel, Pensioner of Holland, to Mr. James Stewart, Advocate; Giving an Account of the Prince and Princes of Orange's Thoughts concerning the Repeal of the Test, and the Penal Laws.*

*S I R,*

**I** Am extream sorry, that my ill health hath so long hindered me from Answering those Letters, in which you so earnestly desired to know of me, what their Highnesses thoughts are concerning the repeal of the Penal Laws, and more particularly of that concerning the Test: I beg you to assure your self, that I will deal very plainly with you in this matter, and without reserve, since you say that your Letters were writ by the King's knowledge and allowance. I must then first of all assure you very positively, that their Highnesses have often declared, as they did it more particularly to the Marquis of Alberville, His Majesties Extraordinary to the States, that it is Their Opinion, That no Christian ought to be persecuted for his conscience, or be ill used because he differs from the publick and Established Religion; And therefore, They can consent, that the Papists in England, Scotland and Ireland be suffered to continue in their Religion, with as much Liberty as is allowed them by the States in these Provinces; in

which it cannot be denied, that they enjoy a full Liberty of conscience. And as for the Dissenters, Their Highnesses do not only consent, but do heartily approve of their having an entire Liberty, for the full exercise of their Religion, without any trouble or hindrance; so that none may be able to give them the least disturbance upon that account.

And their Highnesses are very ready, in case his Majesty shall think fit to desire it, to declare their willingness to concur in the settling and confirming this Liberty, and as far as it lies in them, they will protect and defend it, and according to the Language of Treaties, They will confirm it with their Guaranty, of which you made mention in yours.

And if his Majesty shall think fit further to desire their concurrence in the repealing of the Penal Laws, they are ready to give it; provided always that those Laws remain still in their full vigour, by which the Roman Catholics are shut out of both Houses of Parliament, and out of all publick Employments, Ecclesiastical, Civil and Military. As likewise all those other Laws, which confirm the Protestant Religion and which secures it against all the attempts of the Roman Catholics.

But their Highnesses cannot agree to the repeal of the Test, or of those other Penal Laws last mentioned, that tend to the security of the Protestant Religion; since the Roman Catholics receive no other prejudice from these, then the being excluded from Parliaments, or from publick Employments. And that by them the Protestant Religion is covered from all the Designs of the Roman Catholics against it, or against the publick safety; and neither the Test nor these other Laws can be said to carry in them any severity against the Roman Catholics upon account of their Consciences: They are only provisions qualifying men to be Members of Parliament, or to be capable of bearing Office; by which they must declare before God and Men, that they are for the Protestant Religion. So that indeed, all this amounts to no more than a securing the Protestant Religion from any prejudices that it may receive from the Roman Catholics.

Their Highnesses have thought and do still think, that more than this ought not to be ask'd, or expected from them: since by this means, the Roman Catholics and their posterity will be for ever secured from all trouble in their Persons or Estates, or in the Exercise of their Religion; and that the Roman Catholics ought to be satisfied with this, and not to disquiet the Kingdom because they cannot be admitted to sit in Parliament, or to be in Employments; or because those Laws in which the Security of the Protestant Religion does chiefly consist, are not repealed, by which they may be put in a condition to overturn it.

Their Highnesses do also believe, that the Dissenters will be fully satisfied when they shall be for ever covered from all danger of being disturbed, or punished for the free Exercise of their Religion, upon any sort of pretence whatsoever.

Their Highnesses having declared themselves so positively in these matters, it seems very plain to me, that They are far from being any hindrance to the Freeing Dissenters from the Severity of Penal Laws; since they are ready to use their utmost endeavours for the Establishing of it: Nor do They at all press the denying to the Roman Catholics the Exercise of their Religion, provided it be managed modestly, and without Pomp or Ostentation. As for my own part, I ever was and still am very much against all those, who would persecute any Christian because he differs from the publick and established Religion: And I hope by the Grace of God to continue still in the same mind; for since that Light with which Religion illuminates our minds, is according to my sense of things, purely an effect of the Mercy of God to us, we ought then, as I think, to render to God all possible Thanks for his Goodness to us: and to have pity for those who are still shut up in Error, even as God has pitied us, and to put up most earnest prayers to God, for bringing those into the way of Truth, who stray from it, and to use all gentle and friendly methods for reducing them to it.

But I confess, I could never comprehend how any that profess themselves Christians, and that may enjoy their Religion freely and without any disturbance, can judge it lawful for them to go about to disturb the Quiet of any Kingdom or State, or to overturn Constitutions, that so they themselves may be admitted to Employments, and that those Laws in which the Security and Quiet of the established Religion consists, should be shaken.

It is plain, that the Reformed Religion is by the Grace of God, and by the Laws of the Land, enacted both by King and Parliament; the publick and established Religion, both in England, Scotland and Ireland; and that it is provided by those Laws, that none can be admitted either to a place in Parliament, or to any publick Employment except those that do openly declare, that they are of the Protestant Religion, and not Roman Catholics; and it is also provided by those Laws, that the Protestant Religion shall be in all time coming secured from the Designs of the Roman Catholics against it: In all which I do not see, that these Laws contain any Severity, either against the Persons or Estates of those who cannot take those Tests, that are contrary to the Roman Catholic Religion, all the inconveniences that can redound to them from thence, is that their Persons, their Estates, and even the Exercise of their Religion being assured to them, only they can have no share in the Government, nor in Offices of Trust, as long as their Conscien-

ces do not allow them to take these Tests: and they are not suffered to do any thing that is to the prejudice of the *Reformed Religion*.

Since, as I have already told you, Their Highnesses are ready to concur with his Majesty for the Repeal of those *Penal Laws*, by which Men are made liable to Fines or other Punishments.

So I see there remains no difficulty concerning the Repealing the *Penal Laws*, but only this, that some would have the *Roman Catholics* render'd capable of all publick Trusts and Employments, and that by consequence, all those should be repealed that have secured the Protestant Religion against the designs of the *Roman Catholics*, where others at the same time are not less earnest to have those *Laws* maintained in their full and due vigour; and think, that the chief Security of the established Religion consists in the preserving of them Sacred and unshaken.

It is certain, that there is no Kingdom, Common-Wealth, or any constituted Body or Assembly whatsoever, in which there are not Laws made for the Safety thereof; and that provide against all Attempts whatsoever, that disturb their peace, and that prescribe the Conditions and Qualities that they judge necessary for all that shall bear Employments in that Kingdom, State or Corporation: And no man can pretend, that there is any Injury done him, that he is not admitted to Employments when he doth not satisfy the Conditions and Qualities required.

Nor can it be denied, that there is a great difference to be observed in the conduct of those of the *Reformed Religion*, and of the *Roman Catholics* towards one another: The *Roman Catholics* not being satisfied to exclude the *Reformed* from all places of Profit or of Trust, they do absolutely suppress the whole Exercise of that Religion, and persecute all that profess it; and this they do in all those places where it is safe and without danger, to carry on that rigour. And I am sorry that we have at this present so many deplorable Instances of this severity before our Eyes, that is at the same time put in practice in so many different places.

I would therefore gladly see one single good reason to move a Protestant that fears God, and that is concerned for his Religion, to consent to the Repealing of those Laws that have been enacted by the Authority of King and Parliament, which have no other tendency but to the security of the *Reformed Religion*, and to the restraining of the *Roman Catholics* from a capacity of overturning it; these Laws inflict neither Fines nor Punishments, and do only exclude the *Roman Catholics* from a share in the Government, who by being in Employments must needs study to encrease their party, and to gain to it more Credit and Power, which by what we see every day, we must conclude, will be extremely dangerous to the *Reformed Religion*, and must turn to its great prejudice: Since in all places, those that are in publick Employments, do naturally Favour that Religion of which they are, either more or less. And who would go about to persuade me or any man else to endeavour to move Their Highnesses, whom God hath honoured so far as to make them the Protectors of his Church, to approve of, or to consent to things so hurtful, both to the *Reformed Religion*, and to the publick Safety. Nor can I, Sir, with your good leave, in any way, grant what you apprehend, That no prejudice will thereby redound to the *Reformed Religion*.

I know it is commonly said, that the number of the *Roman Catholics* in England and Scotland is very inconsiderable; and that they are possessed only of a very small number of the places of Trust: Tho even as to this, the case is quite different in Ireland: Yet this you must of necessity grant me, that if their numbers are small, then it is not reasonable that the publick Peace should be disturbed on the account of so few persons, especially when so great a favour may be offered to them; such as the free Exercise of their Religion would be: And if their numbers are greater, then there is so much the more reason to be afraid of them; I do indeed believe that *Roman Catholics*, as things at present stand, will not be very desirous to be in publick Offices and Employments, nor that they will make any attempts upon the *Reformed Religion* both because this is contrary to Law, and because of the great inconveniencies that this may bring at some other time both on their Persons and their Estates: yet if the Restraints of the Law were once taken off, you would see them brought into the Government, and the chief Offices and Places of Trust would be put in their hands, nor will it be easie to his Majesty to resist them in this, how stedfast soever he may be; for they will certainly press him hard in it, and they will represent this to the King, as a matter in which his Conscience will be concerned; and when they are possessed of the publick Offices, what will be left for the Protestants to do, who will find no more the support of the Law, and can expect little Encouragement from such Magistrates? And on the other hand, the advantages that the *Roman Catholics* would find in being thus set loose from all restraints, are so plain, that it were a loss of time to go about the proving it. I neither can nor will doubt of the sincerity of his Majesties intentions, and that he has no other design before him in this matter, but that all his Subjects may enjoy in all things the same Rights and Freedom.

But plain Reason, as well as the Experience of all Ages, the present as well as the past, shews, that it will be impossible for *Roman Catholics* and Protestants, when they are mixed together



gether in places of Trust and publick Employments, to live together peaceably, or to maintain a good Correspondence together. They will be certainly always jealous of one another; For the Principles and the Maxims of both Religions are so opposite to one another, that in my opinion I do not see how it will be in the power of any Prince or King whatsoever, to keep down those Suspicions and Animosities, which will be apt to arise upon all occasions.

As for that which you apprehend, that the Dissenters shall not be delivered from the Penal Laws, that are made against them, unless at the same time the Test be likewise repealed: This will be indeed a great unhappiness to them; but the Roman Catholics are only to blame for it, who will rather be content that they and their Posterity should lie still under the weight of the Penal Laws, and exposed to the hatred of the whole Nation; than be still restrained from a capacity of attempting any thing against the Peace and the Security of the Protestant Religion. And be deprived of that small advantage (if it is at all to be reckoned one) of having a share in the Government and publick Employments; since in all places of the World this has been always the privilege of the Religion that is established by Laws; and indeed these Attempts of the Roman Catholics ought to be so much the more suspected and guarded against by Protestants in that they see that Roman Catholics, even when liable to that Severity of Penal Laws, do yet endeavour to persuade his Majesty, to make the Protestants, whether they will or not, dissolve the Security which they have for their Religion: And to clear a way for bringing in the Roman Catholics to the Government, and to publick Employments: In which case there would remain no relief for them but what were to be expected from a Roman Catholic Government.

Such then will be very unjust to Their Highnesses, who shall blame them for any inconvenience that may arise from thence; since they have declared themselves so freely on this Subject, and that so much to the advantage even of the Roman Catholics. And since the Settlements of matters sticks at this single point, that Their Highnesses cannot be brought to consent to things that are so contrary to Laws already in being, and that are so dangerous and so hurtful to the Protestant Religion, as the admitting of Roman Catholics to a share in the Government, and to places of Trust, and the repealing of those Laws, that can have no other effect but the Securing of the Protestant Religion from all the Attempts of the Roman Catholics against it, would be.

You Write, That the Roman Catholics in these Provinces are not shut out from Employments and places of Trust; But in this you are much mistaken. For our Laws are express, excluding them by name from all share in the Government, and from all Employments either of the Policy or Justice of our Country. It is true, I do not know of any express Law, that shuts them out of Military Employments; that had indeed been hard, since in the first Formation of our State they joyned with us in defending our publick Liberty, and did us eminent service during the Wars; therefore they were not shut out from those Military Employments, for the publick safety was no way endanger'd by this, both because their numbers that served in our Troops were not great, and because the States could easily prevent any Inconvenience that might arise out of that; which could not have been done so easily, if the Roman Catholics had been admitted to a share in the Government, and in the Policy or Justice of our State.

I am very certain of this, of which I could give very good proofs that there is nothing which Their Highnesses desire so much, as that his Majesty may reign happily, and in an intire Confidence with his Subjects and that his Subjects being persuaded of his Majesties fatherly affection to them, may be ready to make him all the returns of duty that are in their Power: But their Highnesses are convinced in their Consciences, that both the Protestant Religion and the safety of the Nation, would be exposed to most certain Dangers, if either the Tests, or those other Penal Laws, of which I have made frequent mention, should be repealed; Therefore they cannot consent to this, nor concur with his Majesties Will; for they believe they should have much to answer for to God, if the consideration of any present advantage should carry them to consent and concur in things which they believe would be not only dangerous but mischievous to the Protestant Religion.

Their Highnesses have ever paid a most profound duty to his Majesty, which they will always continue to do; for they consider themselves bound to it, both by the Laws of God and of Nature: But since the matter that is now in hand, relates not to the making of new Laws, but to the total Repealing of those already made both by King and Parliament; they do not see how it can be expected of them, that they should consent to such a Repeal, to which they have so just an aversion, as being a thing that is contrary to the Laws and Customs of all Christian States, whether Protestants, or Papists, who receive none to a share in the Governments, or to publick Employments, but those who profess the publick and established Religion, and that take care to secure it against all attempts whatsoever.

I do not think it necessary to demonstrate to you how much their Highnesses are devoted to his Majesty, of which they have given such real Evidences as are beyond all verbal ones; and they are resolved still to continue in the same Duty, and Affection; or rather to encrease it, if that is possible. I am, S I R,

Yours, &c.

Nov. 4. 1687.

Reflections

## Reflexions on Monsieur Fagel's Letter.

S I R,

**I** Shall endeavour to Answer yours as fully and briefly as possible.

1. You desire to know whether the Letter I sent you be truly Monsieur Fagel's or not.
2. Whether their Highnesses gave him Commission to Write it.
3. How far the Dissenters may rely on their Highnesses word.
4. What effects it has on all sorts of People.

Sir, Roman Catholicks may be pardoned if they endeavour to make that Letter pass for an Imposture, it is their Interest so to do, and they are seldom wanting to promote that, let the methods be never so indirect which they are forced to make use of: It does indeed spoil many hopeful Projects of theirs. But how any Protestant among us can really doubt the truth of it, is strange to me. Some things carry their own evidence along with them, I take this Letter to be one of that kind. I do not desire you to believe me upon my bare affirmation that I know it to be genuine, (tho this be most true) but shall offer my Reasons to convince you that it cannot be otherwise.

First, The Letter is like its Author, the matter is weighty, the Reasoning solid, the Style grave, full and clear, like that of a Lawyer: It has an Air all over, which as well shews the Religion and Temper of its Writer, as the Matter and Method of it do his Capacity and Judgment. Now all these Qualities make up the Character of Monsieur Fagel.

Secondly, There are the same grounds to believe this Letter to be M. Fagel's as there are to believe any thing you have not seen, *Viz.* The constant Asseverations of Persons of undoubted Credit that come from *Holland*, who all agree in it, and assure us of it. M. Fagel own'd it to several English Gentlemen, and many both here and in *Holland* knew two Months ago that such a Letter was written; a Forgery would before this time have been detected, especially such a one as ruins the Designs of the Triumphant Party.

Thirdly, It was written by M. Fagel in answer to Letters from Mr. Stewart, sent by his Majesties special Orders, and Mr. Stewart had both an English and Latin Copy sent him: Therefore the English Copy is not called a Translation, but it is a sort of Original: For you are not to doubt but the matter was ordered so, that her Royal Highness might peruse it as well as his Majesty.

In the next place, you would know whether their Highnesses gave Order to Monsieur Fagel to write it.

I wish Sir you would take the pains to read the Letter over again, and consider who this Monsieur Fagel is; He is Pensionary of *Holland*, and first Minister of State, raised to that Dignity by the Prince's Favour, he Answers Letters written to him, which are ordered by his Majesty to be Communicated to their Highnesses. In his Answer, he gives an Account of their Highnesses Opinions about the Repeal of the Penal Laws and Test; matters of a National Concern, and of the greatest Importance. Now you must have a strange Opinion of Monsieur Fagel, if you think him capable of so great an indiscretion (or rather Imposture) as to write such a Letter of his own Head. The Letter it self Demonstrates, that whoever writ it is no Fool, and the Circumstances I have marked shew that he is no Knave. And indeed the Substance of it is not new, it only repeats to his Majesty the same Answer which the Prince and Princess had formerly given to his Majesties Envoy there.

In short, you may leave the whole Matter to this plain Issue: If this Letter be a false one, it will be disowned; if a true one, it will be owned. Their Highnesses love not to do things that will not bear the Light. It is evident, they did not intend the Matter of it should be a Secret, having told it to Monsieur D'Albeville, as often as he (in his discreet VVay) necessitated them to do it. But how it came to be printed, I cannot inform you justly; however you shall have my Conjecture.

I remember, as soon as it was noised about Town, that Mr. Stewart had received a Letter of such a Nature from Monsieur Fagel, care was taken, that the VVriter of the common News Letters, which are dispersed over the Kingdom, should insert in them, that their Highnesses had declared themselves for the Repeal of the Test. This *Pia Fraus* might, I suppose, give occasion to the printing of the Letter, as the VVisdom and Policy of our States-men (in putting Mr. Stewart on writing such Letters) had procured: I say Letters, for Monsieur Fagel had five or six on that Subject, before he answered, so unwilling were they in *Holland* to return an Answer, since they could not give one that was pleasing, or do any thing that looked like meddling.

The third thing you desired to be satisfied in, is, Whether the Dissenters may rely on their Highnesses Word. I am as apt to mistrust Princes Promises, as you are. But shall now give you my Reasons, why I think the Dissenters may safely do it. And at the same time, because of the Affinity of the Matter, I will tell you why I think we may all rely on their Highnesses for

our Civil Liberties, as well as the Dissenters may do for *Liberty of Conscience*. Much of what I have to say is equally applicable to them both, yet because I know you have had an Account of Her Royal Highness, better than I can give you, I shall for the most part, speak only of the Prince.

My first Reason is the certainest of all Reasons, That it will be His Highnesses Interest to settle Matters at Home, which only can be done by a Legal Toleration or Comprehension in Matters of Religion; and by restoring the Civil Liberties of the Nation, so much invaded of late. That this will be his Interest is evident, if his Designs lye abroad, as it's certain they do. Designs at home and abroad at the same time, are so inconsistent, that we see his Majesty, tho' raised above his Fears at home by his late Victory; and invited abroad by all that can excite his Appetite for Glory, cannot reconcile them: The Truth is, one that would undertake it, is in the same Condition with Officers that beat their Men to make them fight, they have Enemies before and behind.

But you may happily object, that Princes do not always follow their true Interests, of which it is not difficult in this Age to give several fatal Instances. I answer, That it is to be presumed that Princes, as well as other Men, will follow their Interests till the contrary appear; and if they be of an Age to have taken their Fold, and have till such an Age kept firm to their Interests, the Presumption grows strong; but if their Inclinations, the Maxims of their Families, the Impressions of their Education, and all their other Circumstances to side with their Interest, and lead them the same way, it is hardly credible they should ever quit it. Now this being the present Case, we have all the certainty that can be had in such Matters.

The Prince of Orange has above these 15 years given so great proof of his Firmness and Resolution, as well as of his Capacity and Conduct in opposing the Grand Ravisher (I may add the Betrayers too) of Liberty and Religion, that he is deservedly (by all impartial Men) owned to be the Head of the Protestant Interest: A Headship, which no Princes but the Kings of England should have, and none but they would be without it.

Now one may rationally conclude, That when the Prince shall joyn to his present Possession of this Headship, a more natural Title, by being in a greater Capacity to act, he will not degrade himself, nor lay aside Designs and Interests, which ought to be the Glory of England, as they are indeed the Glory of his Family, acquired and derived to him by the Blood of his Ancestors, and carried on and maintained by himself with so much Honour and Reputation.

I might add here, That the Prince is a Man of a sedate, even Temper, full of Thoughts and Reflections: one that precipitates neither in Thinking, Speaking, nor Acting; is cautious in resolving and promising, but firm to his Resolutions, and exact in observing his Word: Inform your self, and you'll find this a part of his Character, and conclude from hence what may be presumed from his Inclinations.

Now as to the Maxims of his Family, let us compare them a little where it may be decently done.

The French King broke his Faith to his Protestant Subjects, upon this single Point of Vain glory, that he might shew the World he was greater than most of his Predecessors; who tho' they had the same Inclinations, were not potent enough to pursue them effectually, as he has done to the everlasting Infamy of his Name and Reign. The Maxims of the French Kings have been, how to outvie each other in Robbing their Neighbours, and Oppressing their Subjects by Perfidiousness and Cruelty. But those of the Family of Orange, on the contrary, have been, to Rescue Europe from its Oppressors, and maintain the Protestant Interest, by Vertue, Truth, Honour and Resolution; knowing that such Methods are as necessary to make Protestant Princes and States flourish, as Vice and Oppression are to maintain Popish Government.

No Popish Prince in Europe can pretend to have kept his Word to his Protestant Subjects, as the Princes of Orange have always done to their Popish Subjects at Orange, and elsewhere; and the Papists have often broke their Word to that Family, and have been and are its declared Enemies; and tho' the Princes two Great Grand-Fathers, Admiral Coligny, and Prince William, were assassinated by the Authority, and with the Approbation of that whole Party, yet it cannot be made appear, that ever the Princes of that Family failed in keeping their Word, even to such Enemies, or used their own Popish Subjects the worse for it, in making distinction between them and their other Subjects, or influenced the States to use theirs so: I say the States, who allow their R. C. Subjects all the Privileges of their other Subjects, only they are kept by a Test from having any share in the Government, which is truly a Kindness done them, considering that ill-natured Humour of destroying all those that differ from them, which is apt to break out when that Religion is in Power.

Now the Church of England may justly expect all sort of Protection and Countenance from the Successors, when it's their Turn to give it, they have a legal Right to it, and impartial Dissenters must acknowledge, that of late they have deserved it.

But as for the Protestant Dissenters, I think no honest Man amongst them will apprehend, that their Highnesses, who keep their Word to their Popish Enemies, will break it to Protestant Subjects, tho' differing from the publick Establishment.



The next thing I am to make good, is, That his Highnesses Education must have infused such Principles as side with his Interest: There must be a fatal Infection in the *English* Crown, if Matters miscarry in his Highnesses Hands, his Veins are full of the best Protestant Blood in the VVorld. The Reformation in *France* grew up under the Conduct and Influence of *Coligni*. Prince *William* founded the Government of the United *Netherlands* on the Basis of Property and Liberty of Conscience, his Highness was bred, and lives in that State which subsists and flourishes by adhering steadily to the Maxims of its Founder.

He himself, both in his publick and private Concerns, as well in the Government of his Family, and of such Principalities as belong to him, as in that of the Army, and in the Dispensing of that great Power which the States have given him, has as great regard to Justice, Verue and true Religion, as may compleat the Character of a Prince, qualified to make those he governs happy.

It does not indeed appear, that their Highnesses have any share of that devouring Zeal which hath so long set the VVorld on Fire, and tempted thinking Men to have a Notion of Religion it self, like that we have of the ancient Paradise, as if it had never been more than an intended Blessing, but all who have the Honour to know their Highnesses and their Inclinations in Matters of Religion, are fully satisfied they have a truly Christian Zeal, and as much as is consistent with Knowledge and Charity.

As to his Highnesses Circumstances, they will be such when his Stars make way for him, as may convince our Scepticks, that certain persons, times and things, are prepared for one another. I know not why we may not hope, that as his Predecessors broke the Yoke of the House of *Austria* from off the Neck of *Europe*; The Honour of breaking that of the House of *Bourbon* is reserved for him. I am confident the Nation will heartily joyn with him in his just Resentments. Resentments which they have with so much Impatience long'd to find, and have mist'd with the greatest Indignation in the Hearts of their Monarchs.

His Highness has at present, a greater Influence on the Councils of the most part of the *Princes of Christendom*, than possibly any King of *England* ever had. And this acquired by the weight of his own personal Merit, which will no doubt grow up to a glorious Authority, when it is cloathed with Sovereign Power. May I here mention (to lay the Jealousies of the most unreasonable of your Friends) that his Highness will have only a borrowed Title, which we may suppose will make him more cautious in having Designs at Home, and his wanting Children (to our great Misfortune) will make him less solicitous to have such Designs.

But after all, it must be acknowledged, that in Matters of this Nature, the Premises may seem very strong, and yet the Conclusion not follow. Humane Infirmities are great; Temptations to Arbitrariness are strong, and often both the Spirit and Flesh weak. Such fatal Mistakes have been made of late, that the Successors themselves may justly pardon Mens jealousies. A VVidow that has had a bad Husband, will cry on her VVedding-day, though she would be married with all her Heart. But I am confident you will grant to me, that in the Case of the present Successors, the Possibilities are as remote, and the Jealousies as ill grounded, and that there is as much to ballance them, as ever there was to be found in the prospect of any Successors to the Crown of *England*. Now may I add, To conclude the Reasons that I have given you, why we may depend on their Highnesses, that I know considerable Men, who after great Enquiry and Observation, do hope that their Highnesses (being every way so well qualified for such an end) are predestinated (if I may speak so) to make us happy in putting an end to our Differences, and in fixing the Prerogative, and in recovering the Glory of the Nation, which is so much sunk, and which now (when we were big with Expectations) we find sacrificed to unhappy partialities in matters of Religion.

The last thing you desire to know, is, *What Effect this Letter has had?* But it is not yet old enough for me to judge of that, I can better tell you what Effects it ought to have. I find the moderate wise Men of all Perswasions are much pleased with it.

I know *Roman Catholics* that wish to God Matters were settled on the Model given in it; they see the great Difficulty of getting the Test Repealed: And withal, they doubt whether it is their Interest that it should be repealed or not: They fear needy violent Men might get into Employments who would put his Majesty on doing things that might ruine them and their posterity. They are certainly in the right of it. It is good to provide for the worst. A Revolution will come with a VVitnes; and its like it may come before the Prince of *Wales* be of Age to manage an unruly Spirit, that I fear will accompany it. Humane Nature can hardly digest what it is already necessitated to swallow, such provocations even alters mens Judgments. I find that Men, who otherways hate severity, begin to be of Opinion that Queen *Elizabeths* Lenity to the *R. C's* proves now Cruelty to the Protestants. The whole Body of Protestants in the Nation, was lately afraid of a *Papish* Successor, and when they reflected on Queen *Maries* Reign, thought we had already sufficient Experience of the Spirit of that Religion; and took Self preservation to be a good Argument for preventing a second Tryal. But now a handful of *Roman Catholics*, perhaps reflecting on Queen *Elizabeths* Reign, are not, it seems, afraid of Protestant Successors.

*Successors.* But if some *Protestants* at that time, from an Aversion to the Remedy, hop'd that the Disease was not so dangerous as it proves. I am confident at present, all *Protestants* are agreed, that henceforward the Nation must be saved, not by Faith. And therefore I would advise the *R. C's.* to consider that *Protestants* are still Men, that late Experiences at home, and the Cruelties of *Papish Princes* abroad, has given us a very terrible Idea of their Religion. That Opportunity is precious and very slippery, and if they let the present Occasion pass by, they can hardly ever hope that it will be possible for them to recover it. That their Fathers and Grand-fathers would have thought themselves in Heaven to have had such an Offer as this is, in any of the four last Reigns, and therefore, that they had better be contented with *Half a Loaf, than no Bread.* I mean, it will be their Wisdom to embrace this Golden Occasion of putting themselves on a Level with all other *English Men*, at least as to their private Capacity; and to disarm once for all, the severity of those Laws; which if ever they should come to be in good earnest executed by a Protestant Successor, will make *England* too hot for them: And therefore I should particularly advise those among them, who have the Honour to approach his Majesty, to use their Credit to prevail with him to make this so necessary a step in Favour of the Nation; since the Successors have advanced two Thirds of the way for effecting so good and pious a Work. Then, and not till then, the *R. C's.* may think themselves secured, and his Majesty may hope to be great by translating Fear and Anger from the Breasts of his Subjects, to the Hearts of his Own and the Nations Enemies.

But if an evil Genius (which seems to have hovered over us now a long time) will have it otherwise; if I were a *R. C.* I could meddle no more, but live quiet at home, and care for my Protestant Neighbours; and in so doing, I should think my self better secured against the Resentments of the Nation, than by all the Forces, Forts, Leagues, Garrantries, and even *Men Children*, that His Majesty may hope to leave behind him.

As for the Protestant Dissenters, I am confident the Body of them will continue to behave themselves like Men, who, to their great Honour have ever preferred the Love of their Country and Religion to all Dangers and Favours whatsoever, but there are both weak and interested Men among all great Numbers; I would have them consider how much the state of things is altered, upon the coming out of this Letter, for if hitherto they have been too forward in giving Ear to Proposals on this Mistake, that they could never have such a favorable Juncture, for getting the Laws against them repealed: I hope now they are undeceived, since the Successors have pawn'd their Faith and Honour for it, which I take to be a better security (as Matters go at present) than the so much talked of *Magna Charta* for Liberty of Conscience would be, though in a legal way, for our Judges have declared, That Princes can dispense with the Obligation of Laws, but they have not yet given their Opinion, that they can dispense with the Honour of their Word; nor have their Highnesses any Confessor to supply such an Omission.

However it is not to be charged on their Highnesses, if such a *Magna Charta* be not at present given them, provided the Test be let alone; but I fear the *Roman* Catholicks Zeal will have all or nothing; and the Test too must be repealed by wheedling the Dissenters to joyn with willing Sheriffs in violating the Rights of Elections, which are the Root of the Liberties of *England*; prudent way of recommending their Religion to all true *English Men*.

But if any of the Dissenters be so destitute of Sense and Honesty, as to prefer a *Magna Charta*, so obtained, Void and Null in it self, to their own Honour and Conscience, to the Love and Liberties of their Countrey, to the present Kindness of all good Men, and their Countenance at another time, and above all, to the Favour and Word of the Successors, who have now so generously declared themselves for them: We may pronounce, that they are Men abandoned to a reprobate Sence, who will justly deserve Infamy and the hatred of the Nation at present, and its Resentments hereafter. Is it possible, that any Dissenter, who either deserves or loves the Reputation of an honest Man, can be prevailed with by any pretences of Insinuations, how plausible soever, to make so odious and pernicious a Bargain, as that of buying a precarious pretended Liberty of Conscience, at the price of the Civil Liberties of their Country, and at the price of removing that, which under God, is the most effectual Bar to keep us from the Dominion of a Religion, that would, as soon as it could, force us to abandon our own, or reduce us to the miserable Condition of those of our Neighbours, who are glad to forsake all they have in the World, that they may have their Souls and Lives for a Prey.

As for the Church of *England*, their Clergy have of late opposed themselves to *Papery*, with so much Learning, Vigor, Danger and Success, that I think all honest Dissenters will lay down their Resentments against them, and look on that Church, as the present Bulwark and Honour of the Protestant Religion. I wish those high Men among them, who have so long appropriated to themselves, the Name and Authority of the Church of *England*, and have been made Instruments to bring about Designs, of which their present Behaviour convinces me, they were ignorant, as I suppose many of the Dissenters are, whose turn it is now to be the Tools.

I say, I wish such Men would consider, to what a pass they have brought Matters by their Violences, or rather the Violences of these whose Property they were, and at length be wise; They

They cannot but be sensible of the Advantages they receive by this Letter. I suppose they apprehend (I am sure they ought to do it) that the Ruine of their Church is resolv'd on: But if the Dissenters upon this Letter withdraw themselves, the R. C's. have neither Hearts to keep firm to such a Resolution, nor Hands to execute it.

Since therefore they themselves have unhappily brought their Church into such Precepices by provoking the Dissenters, it is in a particular manner their Duty, as well as their Interest, to endeavour to soften them, by assisting the Letter, and promoting the Design of it.

But if the old Leaven still remain, and they continue to argue as formerly, if the Surplice be parted with, the Church of England is lost; if the Penal Laws be repealed, the Test will follow: and comfort themselves with this most Christian Reflection, that the R. C. will not accept of what is offered them; such Men deserve all the Misery that is preparing for them, and will perish without Pity, and give thinking Men occasion to remember the Proverb, *Beat a Fool (or a Zealot) in a Mortar, yet his Foolishness will not depart from him.* But the Dissenters ought not to be much concerned at this, they have their own Bigots, and the Church of England theirs, there will be Tools whilst there are Workmen,

This is a time for Wisdom to be justified of her Children, when honest Men ought to leave off minding the lesser Interests of this or that particular Church, and joyn in securing the common Interests of the Protestant Religion. And to conclude, I would particularly beg of the Dissenters to make use of their best Judgment on this so critical an Occasion, which they will do, in my Opinion, in keeping close to the Contents of this Letter, by endeavouring to obtain in a fair and legal way, such a Liberty to all Perswasions, as is the Natural Right of Free men, and as our Protestant Successors declare themselves willing to joyn in; and if those who have an equal, nay, a greater Interest than themselves, will not agree to such a Liberty, because they will be Masters or nothing; the Dissenters will have the Comfort of having discharged their own Consciences, as prudent Men and good Christians ought to do, and may safely trust God with the Event.

Sir, I thought: I had made an end, but looking your Letter over again, I find I have forgot to answer a Reason or two you give, why you doubt whether the Letter be truly Mr. Fagel's: You are informed (you say) that such and such Great Men doubted of it; but some might as well pretend to doubt of the Truth of that Letter (though they knew it to be true) as believe her Majesty to be with Child, almost before she knew it her self; and that she was quick, when the Embryo, as Anatomists say, is not much above an inch long; I don't think that Popish Successors, like certain VVeeds, grow faster than others: The Persons you name may Trim, and presume on their Merit, least they might be thought capable of Repentment. A dangerous Reflection. I say their Merit: you have seen a long Relation of the great Services some (when they were in Power) did their Highnesses; it is bound up with a Relation of the true Causes of their Sufferings for their (or rather their Highnesses) Religion. You know even how one of them the last Summer payed them his Reverence with all the Respect and Humility of a due distance, and with the same Caution with which the Invincible Monarch fights out of Canon Shot. But Sir, though the Character of a Trimmer be ordinarily the Character of a prudent Man, there are Times and Seasons when it is not the Character of an honest Man.

I acknowledge, that since their Highnesses Marriage, nothing has hapned so much for the Good of the Protestant Interest as this Letter of Mr. Fagel's, and if I had been either the Writer or Adviser of it, I should be very proud of it, and think the Nation much in my Debt. But Sir, that was not a very good Reason to make you doubt of it, for a good Cause will have its time, though not so often as a bad one, which hath ordinarily the Majority of its side.

I am confident at present we have all the reason in the World to expect it, for my own part, though I am neither young nor strong, I hope to live to see a Day of Jubilee in England for all that deserve it; when honest Men shall have the same Pleasure in thinking on these Times, that a Woman happily delivered hath in reflecting on the Pain and Danger she was in. But Knaves shall remember them, as I am told, the damned do their Sins, Cursing both them and themselves:

S I R,

I am Yours.

January the 12th. 1688.

*Animadversions*



*Animadversions upon a pretended Answer to Mijñ Heer Fagel's Letter.*

S I R,

I Have been so far hitherto from thinking, that the pretended *Answer* to the Excellent *Letter* of *Mijñ Heer Fagel* deserved a Reply, that I judged it would have been a disgrace offered to the Judgment of persons of the most ordinary Intellectuals, as well as the Witnessing not only a great measure of self-denial, but the submitting of my self to a severe mortification and penance, to bestow one upon it. For as it argues a mean Opinion of mankind, to believe that they should need any assistance, save what their own Reason furnisheth them with, in order to their preservation from being imposed upon, by so weak, foolish, incoherent and self-contradictory a Paper; so 'tis both the rendring one mean and cheap, and the inflicting upon himself a most uneasy chastisement, to waste his time and employ his thoughts in animadverting upon, and exposing so trifling and despicable an Author. But seeing I am told, that not only he who is commonly supposed to have had the presumption and indiscretion to write the *Answer*, has also the vanity to value himself upon it; but that there are others, whose wit, candour, and ingenuity are much of a size with his, who do improve our silence in reference unto it, tho' arising from the contempt and neglect which all wise men have for it, to countenance themselves in a belief, and to obtrude an Opinion upon others, of its containing something nervous and considerable; I shall therefore account my self for once, so much a debtor both to the vain, and to the unwise, as to bestow a few such Reflections upon it, as may serve to rectifie the Judgments of the one, and both to correct the folly, and to abate the pride and swelling confidence of the other. And indeed the Author's concealing his Name, may make us justly suspect, that we are not to look for truth, strength, nor candor in that Paper, especially when he writes not only in Justification of the proceedings of his Majesty of Great Britain, which is enough to shield him from all severe Attacks, provided that he had conducted himself as became a wise and an honest man: But in that he enters the lists against a person of *Mijñ Heer Fagel's* quality, and whose Letter not only had his Name affixed to it, and was beautified with all those impressions of clearness, gravity, strength, prudence and Religion, which became the greatness of the Subject, and whereunto the having been able to return an Answer, that had the umbrage and appearance of Reason, would have given a reputation to the Undertaker; but which had been also penned by the Command and Authority of their Serene Highnesses the Prince and Princess of Orange, in order to declare their Opinion in a matter of the greatest importance that ever English Protestants were concerned in, and from Principles of Conscience and Justice hath given that assurance and satisfaction, which all peaceable and good men either stood in need of, or could desire. And as this Authors venturing abroad in the fashion of an *Incognito*, was not without reason, seeing he might thereby hope not only to treat *Mijñ Heer Fagel* without regard to truth or ingenuity, but that with the less hazard both to his person and reputation, he might arraign the Justice and Fidelity of these States, and charge them with a violation of the Fundamental Articles, upon which their Government was at first erected; so he must not take it amiss, if upon encountering him in the dark, I not only fail in paying him the deference which he may conceive due unto him, but handle him unsuitably to the Post he is said to possess. Tho' I am not without apprehension, that if he bear the Character which is vulgarly attributed to him; and if the greatest indication of the wisdom and integrity of Princes, be the prudence and sincerity of their Ministers, but that we may thence come under a necessity of entertaining meaner thoughts than we otherwise would, both of the Moral and Intellectual Capacity of him, to whom this Gentleman is indebted both for his Titles, and the Function he is exalted unto. Whereas on the other hand, besides many signal Evidences, which have filled all Europe with admiration of the admirable Wisdom, inflexible Integrity, eminent Vertues, Religious tho' calm and discreet Zeal, and steady and impartial Justice of his Highness the Prince of Orange; our Ideas of him as a person under whose Government, Conduct and Shadow all good men may promise themselves happiness, are not a little heightened by the consideration of the excellent Qualities of *Monsieur Fagel*, whose advancement as *Pensionary* of *Holland*, to the first Ministry in that State, is owing to the Princes Grace and Recommendation. Which Eminent Trust, as he hath all along discharged with Honour to his Highness, Reputation to himself, and to the Satisfaction of those who are interested

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rested in the Affairs of that Republick; so by nothing hath he more merited an universal esteem and praise from all Protestants, and acquitted himself more worthily towards God and their Serene Highnesses, than by that *Letter* wherein he was honoured to declare their thoughts, and in which he hath with so much wisdom, moderation and convincing light, expressed both their Highnesses Sentiments, and his own, as well concerning the English Laws, the Papists may, and the Dissenters ought to be favoured with the Repeal of, as concerning those, which no wise Non-conformist desires to have rescinded, and which to humour the Papists with the Abrogation of, were no less than to expose the Nation to ruine, and to lay the Reformed Religion open to be totally subverted.

Now this Excellent *Letter*, and which hath produced all the good Effects that honest men long'd for, but knew not before how to compass, our *Anonymous* Answerer is pleased with an Indignation and angry Resentment, and in hopes to exasperate his Majesty of Great Britain against their Serene Highnesses, to stile a kind of *Manifest* in reference to most important Affairs, which even Mr. Stewart, who in obedience to the injunctions of his Sovereign, had with so much importunity solicited their Highnesses Opinion about the Repeal of the Penal and Test Laws, he says, could not have expected. And of whom to testify his exact and intimate knowledge, and to recompence him for the unfortunate service he had been employed in, and to encourage his readiness to future drudgery, he is pleased by a creation of his own, as being the Substitute of the Fountain of Honour, to confer the Title of *Dr.* upon. But certainly had this *Anonymous* Writer the sense and prudence of an ordinary man, he would not under the present conjuncture of Affairs, talk of *Manifests*, nor put people in mind of them at a season, when most persons of all ranks and qualities are so much disgusted, and when they at *Whitehall* are so lavish in their provocations towards some, who if they were not strangely fortified against all tincture of Resentment, are known to be capable of doing them irreparable prejudice, and who by such a *Manifest* as there is cause enough to emit, might not only disturb their proceedings, but with the greatest facility blow up at once both all their hopes and projections. I would fain know of this modest and discreet Gentleman, whether if their Highnesses had ordered a *Letter* to be written, declarative of their Opinion for the Abrogation of the *Tests*, by what name he would have judged it worthy to be called, and whether if he had bestowed upon it the Title of a *Manifest*, he would have thereby intended to fasten upon it an imputation of presumption and reproach? All good men have reason mightily to bewail their Highnesses condition, seeing according to this rate of proceeding towards them, it is in the power of the Papal Ecclesiasticks in England, when they please, to prevail upon the King to reduce them to the uneasy circumstances, either of offending against their Consciences, or of displeasing him. For there is no more requisite towards the bringing them into this unhappy Dilemma, but that *Father Peters*, or any other of the Tribe who have an Ascendency over his Majesty, do persuade him to desire their Highnesses Thoughts, in reference to such particulars, wherein it is neither consistent with their Religious Principles, nor agreeable with their Honour, to comply with his Majesties Judgment and Inclinations. For if in prudence they decline the returning of an Answer, they are sure not only to be censured, as guilty of neglect, incivility and rudeness, but they do thereby administer an advantage to their Enemies, of diffusing reports to their prejudice thro' the Nation, as if they approved all those Court-methods, which for no other reason, save upon the meer motives of respect and wisdom, they avoided openly to disallow. And if on the other hand, they suffer themselves to be overcome by importunities, and thereupon give an Answer agreeable to the Dictates of their own minds, but which is found to interfere with the prepossessions wherewith his Majesty is imbued, then their Lot is, to have it called by the unkind and ignominious Title of a *Manifest*. One would think that *Letter* ought to have been mentioned by a softer name, if we do but consider its being written not only with the utmost modesty that becomes the Relation Their Highnesses stand in to the King, and which is any ways agreeable to their own quality, but that it is enforced with all the Reasons, that may serve to demonstrate that their Opinion is the result of conviction and judgment, and not the effect of humour, nor a sentiment they are merely determined unto by their interest. But we see no Term is too hard to be bestowed upon a Paper that hath so much prejudiced the Priests in their designs, and laid so great an obstruction in the way of those methods, which they had proposed to themselves, for the robbing England of the Protestant Religion.

And whereas our Author tells us, that tho' Mr. Stewart did not account himself obliged to answer Monsieur Fagel's Letter, yet one who extremely esteems and honoureth Mr. Stewart, thinks the Publick too much concerned, not to have the weakness of the reasonings in it detected, and

and to have it made appear that the inferences deduced from them are no ways convincing. I can easily believe that Mr. Stewart did not judge himself obliged to answer the *Pensionary's Letter*, and all men do account it a piece of wisdom in him to forbear endeavouring it. For tho' he be much better qualified for such an undertaking than our Author, yet he could not but be sensible that it was not to be attempted with any hope of success. And if our Author had been endow'd with any measure of discretion, he would have applied himself to any other Employment, rather than have betaken himself to writing, being a thing which Nature never intended him for, and especially upon a Subject so far above the reach of his understanding, and against a discourse of that solid and well-digested strength, that even the Reverend Fathers, whose *Letter-carrier* he used to be (if we be not strangely mistaken in the Gentleman) had so much wit as not to attack it. As knowing that notwithstanding all their Art in Sophistry, they must have come off baffled; and that their false colours would have been easily detected, by the beams of that light, which dart themselves forth in all the parts of that excellent Paper. And I dare farther say, that as Mr. Stewart will never much value himself, upon the being esteemed by one either of this Gentleman's Religious Principles, or of his intellectual Accomplishments; so I can never think that he can be so much degenerated from what he formerly was, as to obtain the approbation of his mind, to return any considerable degree of honour to a person who upon all accounts does so little merit it, unless it be that he may possibly challenge it by virtue of an undeserved Title, and of a Character that he is exceeding ill qualified for.

However, seeing Fools will be meddling, tho' they are sure to come by the worst, I shall reduce all I have to say in Castigation of this vain and presumptuous man, to the seven following heads. (1.) His Falsifications in reference to several parts of *Mijn Heer Fagel's Letter*. (2.) His Injustice to Their Highnesses the Prince and Princess of Orange, and the hidden spleen he every where venturcth to express against them. (3.) His slanderous Calumnies against the States of these Provinces, and how he studies to excite their Roman Catholick Subjects to disturb the Peace and Tranquillity of this Country. (4.) His Shameless Impudence in endeavouring to impose upon the World, as if the Protestant Dissenters in England, were concluded by Their Highnesses to stand hereafter involved in the same rank and condition with the Papists. (5.) His Publishing the Villany of the Romish Church, and proclaiming the Injustice and Dishonour of the most Eminent Papal Monarchs, while he pretends to commend and justify the proceeding of his Majesty of Great Britain. (6.) His egregious Ignorance in relation to Government, Laws, Customs, and matters of Fact. (Lastly) The signal Ingratitude of the Papists towards Their Royal Highnesses for all that Grace, Favour and Ease, which they were willing to have allowed unto them.

As to the *first*, 'Tis known to be a received Principle among the *Casuits* of the Society, that it is at most but a venial sin, to detract from, misrepresent, and calumniate those whom they either take to be their Enemies, or do conceive to have done them any ways a prejudice. And tho' the Opinion authorising such a practice, be condemned by a Bull of the present Pope bearing date Anno 1679, yet our Author is more a Vassal to the *Ignatian Order*, than upon the Authority of one whom the *Jesuits* do so little value, to forbear putting a Doctrine into exercise, which he hath been so well instructed in by these Reverend Fathers, and especially when he finds it so conducive to his design and interest. What can be remoter from Truth as well as Ingenuity, than to charge Monsieur Fagel with confining the name of Protestants in England, only to those of the Conformable Communion, and with excluding the Dissenters from the glorious privilege of that appellation? For tho' it be true, that thro' the hatred and violence of the late King and his present Majesty to the Fanatics, and by virtue of their Commands to a Company of Mercenary, timorous and servile Justiciaries and Officers it hath some time come to pass that the Laws which were originally enacted, and only intended against Papists, have been executed upon Dissenters; yet all men know that to have been a perversion of Justice, seeing in all the Statutes to the Penalties whereof they were made obnoxious, they are still considered and acknowledged for Protestants, and made liable to sufferings by no other Title than that of persons differing from the Church of England, in matter of Discipline, and about Forms and Rites of External Worship. Nor is there one word in *Mijn Heer Fagel's Letter*, whereby they are precluded from that stile, or any ways represented as unworthy of it. While they stand obnoxious to several Laws, in which the Members of the Church of England have no concernment, nor are in any danger from; it was impossible to avoid the giving them a name by which they might be distinguished from those of the Legal and National Communion. And so tender hath the *Pensionary* been of charactering them by any offensive or harsh denomination, that he hath not so much as once in his whole Letter called them *Fanatics*, tho'



it be an appellation that hath been vulgarly affixed to them; but he hath chosen always to denominate them by the name of *Dissenters*, which is not only the softest Term they can be described by, but that which themselves have elected as the stile by which they are willing to be discriminated from their fellow Protestants, with whom they differ in some few and little particulars. And many of them being people, whose Principles are coincident and agreeable with theirs of the Legal Establishment in *Holland*, in whose Fellowship *Monsieur Fagel* is known to be; it could not have entred into the thoughts of any sane one of our Authors Intellectuals and Integrity, either to charge upon him, or so much as to imagine, that he should be so injurious to himself and to the Dutch Churches, as to preclude those from the list of Protestants. But whether this calumnious charge and falsification, be the fruit of an Irish Understanding, or of Papal Sincerity, or the effect of both, I shall leave others to judge, who may possibly know this Author, better than I pretend to do. Only this I shall add, that he proceeds with the same wit and honesty as he hath begun. For from Their Highnesses declaring that they cannot agree to the Repeal of the *Tests*, and *Monsieur Fagel's* thereupon saying, that these Laws inflict not any mulct or penalty upon the Roman Catholics, but that they are only means of securing the Reformed Religion, thro' containing provisions by which men are to be accounted qualified for Members of Parliament, and to bear publick Offices; our Author does by a strange kind of falsification and calumny, fasten upon him his having affirmed, *That the Non-conformists are to be accounted dangerous Enemies of the State, and not to be admitted into any Publick Employments.* He must either be of a very unusual and perverse frame of mind, or extremely ignorant of the nature of those Laws, and the Terms wherein they are enacted, otherwise it is impossible he should imagine how the *Dissenters* are capable of receiving prejudice by them. Seeing all required by those Laws toward the qualifying persons to sit in Parliament, and to exercise Offices in Church and State, is only to declare that they do believe there is not any *Transubstantiation* in the Sacrament of the Lord's Supper, or in the Elements of Bread and Wine, at or after the Consecration by any persons whatsoever; and that the Invocation of the Virgin Mary, or any other Saint; and the Sacrifice of the Mass, as they are now used in the Church of Rome, are Superstitious and Idolatrous. And this Declaration the Non-conformists are of all people, the most inclinable and forward to make, and therefore very far by vertue of those Statutes from standing incapable of any Trust, Office, and Employment, that other Subjects are admitted unto. Nor hath there been a Protestant Dissenter since the first hour that these Laws were enacted, that ever scrupled to take the *Tests*, or that was precluded from Office and Employment for refusing them. But on the contrary, several of the most famous Dissenters, such as Sir *John Hartop*, Alderman *Love*, and Mr. *Eyles*, persons who at all times have kept at the greatest distance from Communion with the Church of *England*, by reason of her Forms and Ceremonies, are known to have cheerfully made the Declaration contained in the *Test* Laws, and thereupon to have sit as Members in divers Parliaments. And as a further demonstration of the impudence and dishonesty of our Author in this particular, it is not unworthy of remark, that tho' the King hath taken upon him to dispense with the *Tests*, and to prohibit the requiring them; yet the Dissenters, who have since that time, been preferred to publick Trusts, continue still to take them, and go to the respective Courts, where by Law the Declaration is enjoined to be exacted, and there demand the being admitted to make it. Tho' in the mean season they cannot be unsensible, that it is the thing in the World whereby they most highly offend his Majesty; it being both a proclaiming the Illegality of that Authority which he challengeth of dispensing with Laws; and a defeating, so far as lieth in them, his great design as well as artifice, for the introducing of Popery, which his Soul is so much in travel with. And were not this Author both a person of a most depraved Conscience, and destitute of all common sense, he would never have slandered *Monsieur Fagel*, and so egregiously perverted his plain meaning, as to tell us, that tho' he be a *Hollander* and a Non-conformist, yet he thanks God for the *Test* Laws, by which his Non-conforming Brethren in *England*, of what degree and quality soever they be, stand excluded from Publick Employments. For every one that will be so kind to himself, and so just to the Pensionary, as to read his Letter, will immediately discern that there is not one word in it, upon which to superstruct this calumny and accusation; seeing he therein affirms in repeated and emphatical Terms, that all contained in, and designed by the *Test* Laws, is the securing the Reformed Religion, thro' the having provided, that none be allowed to sit in Parliament, nor admitted to Publick Offices, except they declare that they are of the Reformed, and not of the Roman Catholic Religion. So that how *Monsieur Fagel's* Non-conformity Brethren in *England*, should come to be affected by these Laws so as to receive any prejudice by them, is that which none but a person of our Author's wit, integrity and candor, could have had the faculty either to conceive or alledge.

But

But that we may come to the *second particular*; there is the less reason to wonder at this Gentleman's calumniating *Mijn Heer Fagel*, and affixing dull, tho' malicious Forgeries of his own unto him, if we do but consider with what petulancy and injustice he treats Their *Serene Highnesses*, and at the gate of their own Court assumeth the confidence to misrepresent, lessen and asperse them. The nearness which those Princes stand in to the ascending the English Throne, and the joyful prospect which all Protestants have of it, excite a discontent and rage in our Author, which he knows not how either to suppress or govern. For not to mention what we learn of the kindness of Roman Catholics to an Heir, professing the Reformed Religion, from the proceedings of *Sixtus Quintus*, and the Papists in France towards Henry 4. we are sufficiently instructed what good will they bear to a Protestant Successor, by the Bull which *Clement 8.* published about the End of Queen *Elizabeth's* Reign. For the Supreme and Infallible Head does therein ordain, *That when it should happen to that miserable Woman to die, they should admit none to the Crown, quantumque propinquitate sanguinis niterentur, nisi ejusmodi essent qui fidem Catholicam non modo tolerarent sed omni ope ac studio promoverent, & more majorum jurejurando se id prastituros susciperent; whatsoever Right and Title they should have thereunto, by vertue of their next affinity in blood, unless they should first swear not only to tolerate, but to advance and establish the Romish Religion.* Nor can I avoid being filled with fear and reverence to the safety of some certain persons, when I remember how Cardinal *Baronius* commends *Irene* for murdering the Emperor her Son, because he was against the Worship of Images, and not only calls it *Justitia zelum*, a righteous zeal but adds, *Christum docuisse, summum pietatis genus esse in hoc adversus filium esse fidelem, That Christ hath taught the perfection of Religion in such a case to consist in fidelity to the Church, tho' by destroying one that was both her Son and her Sovereign.* 'Tis a high piece of injustice in our Author towards Their *Highnesses*, and calculated for no other end but to alienate his Majesties affections from them, when he tells us, that the thing aimed at in the writing of the Pensionary's Letter, as well as that pursued in the manner of publishing it, was to obstruct the King's righteous & pious designs, and to render them unpracticable. For the Letter being written in obedience to the Command of Their *Highnesses*, & to declare their Opinion in reference to the several matters, about which it treateth; it plainly follows that tho' *Mijn Heer Fagel* be accountable for the manner of cloathing and delivering their thoughts, and for the Order and Method in which things are digested, and possibly for the ratiocinations by which they are supported and enforced, yet that the Prince and Princess are the persons who are alone responsible for the End unto which it was intended. And it appears to have been so far from their intentions, thereby to obstruct and defeat any pious and just designs of his Majesty; that nothing can be more visible, than that as it is admirably adapted to the giving ease and security to all his Protestant Subjects, so it offereth means for relieving the Papists from the severe Laws to which they are liable, and for the granting them a Warranty in a legal way for the exercise of their Religion. Nor doth it discourage any kind of favour towards them, save that which the concession whereof, would not only be inconsistent with the peace and safety of those of the Reformed Religion in England, but which might enflame the Nation to such Resentments, as would in all likelihood both endanger his Majesties Person and Crown, and come at last to issue in the reducement of the Roman Catholics to worse circumstances, than they have hitherto been acquainted with. But to proceed with our Author, to whom it is so natural to act foolishly, and with sauciness and injustice, that neither the Character he is said to bear, nor the Quality of the Persons of whom he speaks, can either restrain his intemperance, or correct his rudeness and indiscretion. For *Monsieur Fagel* having said, that he believes there are many Roman Catholics, who under the present state of Affairs, will not be very desirous to be in Publick Offices and Employments, nor use any attempts against those of the Reformed Religion; and that not only because they know it to be contrary to Law, but lest it should at some other time, prove prejudicial to their Persons and States. Our Author is so unjust as well as imprudent, as to call this a menacing not only of all the Non-conformists and Roman Catholics in England, but a threatening of his Majesty, and an insulting over him: And from thence he takes occasion to add, that he hopes God will enable his Majesty to repress and prevent the effects of these menaces, and furnish him with means of mortifying those who do thus threaten and insult over him. It certainly argues a strange weakness and distemper of mind, to call so modest and soft an expression, both a menacing of the King and of all his Catholic Subjects, when I dare say, it proclaimeth the sense of all among the Papists who are endowed with any measure of Wisdom, and is nothing else save a Declaration of the measure, by which they do at this day regulate and conduct themselves. But the injustice of our Author towards Their *Highnesses* in his Reflections upon the forementioned expression of the Pensionary's,

mary's, is his intending them by the persons that do threaten his Majesty and insult over him. For did he take *Mijn Heer Fagel* for the only guilty person in reference to this Phrase which he miscalls a *Menace*, it would be a strange detracting in him from the Power and Glory of his Majesty of Great Britain, to wish him sufficient means whereby to shun the effects of a Gentleman's threatening, whose highest Figure in the World is merely to be a Minister in a Republick. Nor would he bring down his Master to so low a level, as to make it the highest Object of his Hopes, concerning so great a Monarch, that he shall be able to mortify a person, who whatsoever his Merit be, yet his Fortune is to fill no sublimer a Post. So that it can be no other save the Prince and Princess, whom our Author in his usual way of injustice, petulance and indiscretion does here character, represent and intend. And what he thereupon means by the *Kings having power in his hands*, and by his hoping that God would furnish him with means by which he may mortify them, is not a matter of difficult penetration, even by persons of the most ordinary capacities. For the several methods that have been projected, and are still carrying on, for the debarring them from the Succession to the Imperial Crowns of England, Scotland and Ireland, to which they have so Just and Hereditary a Right, are sufficient to detect unto us what our Author intends, and serve as a Key whereby to open the scope, and meaning of his Expressions. But whatsoever the Papal and Jesuitick Endeavours may be, for the obstructing and preventing their Ascending the Thrones of Great Britain, I dare say that all the effects they will have, will be only the discovering the folly and malice of those that attempt it, and that they can never be able to compass and accomplish it. For as their Highnesses have both that interest in the Love and Veneration of all Protestants, and so indisputable a Title, that it is impossible they should be precluded either by Force, or in a way to which their Enemies may affix the Name of Legal; so there is no great cause to apprehend or fear, their being supplanted by the King's having Male Issue of a vigour to live, considering both his Majesties condition and the Queens, which is such that they can never communicate *bona fiamus vicia*. And for the Papists being able to Banter a supposititious Brat upon the Nation, (tho' there are many among them villanous enough to attempt it) we have not only the watchfulness of Divine Providence to rely upon for preventing it, but there are many faithful and waking Eyes that will be ready and industrious to discover the Cheat. And if the People once perceive, that there hath been a contrivance carried on for putting so base an affront upon a noble and generous Kingdom, and of committing so horrid a wrong against such Vertuous and Excellent Princes; I do not know but that their Resentment of it may rise so high, as that all who are discovered to have been accessory unto it, may undergo the like fate that they of old did, who were found to have been conscious and contributory unto the thrusting the Eunuch *Smerdis* into the Persian Throne. Nor do I in the least doubt but that the same Righteous, Wise and Merciful God, who prevented the like villany when designed in the time of Queen Mary, and which was advanced so far, that some Priests had the wickedness and impudence, both to give thanks in the publick Churches for her Majesties safe delivery of a Prince, and also to describe the Beauty and Features of the Babe, tho' all she had gone with amounted only to a Tympany of Wind and Water; I say that I do not question, but that the same God will out of his Immenſe Grace and Sapience, find ways and methods, of which there are many within the compass of his Infinite Understanding, by which so hellish a piece of villany, if there be any such projected and promoting, may be brought into light and disappointed. And truly when I consider the Christian and Royal Vertues wherewith their Highnesses are imbued, and how they are furnished, with all the Moral, Intellectual and Religious accomplishments, that are requisite for adapting them to wield Scepters, and which render them not only so agreeable to the necessities and desires of all good people, but so admirably qualified to answer both the present posture of Affairs in Europe, and the Exigencies of those that are oppressed and afflicted; I grow into a confidence, that as the Church of God both in Britain and elsewhere, and the circumstances in which so many Countreys are involved, do bespeak and crave their Exaltation to the Thrones of the British Dominions, so that they are both destined of God unto them, and will in due time be safely conducted thither. Nor can I avoid pleasing my self with those joyful and hopeful thoughts, when I reflect upon the various steps of Divine Providence, by which they are brought into that nearness of legally inheriting these Crowns. Certainly there is a voice that speaketh loud to this purpose, not only in Gods denying a Legitimate Issue to the Late King, and in his taking away from time to time all the Lawful Male Offspring of his present Majesty, but in the uniting their Highnesses in Marriage, even to the crossing a certain Persons Inclinations, whom I forbear to Name, as well as to the disgusting of a Neighbouring Monarch,



narch, and to the defeating the busie endeavours of the Popish Party. But I must return to our Author, whose Injustice to their *Highnesses*, and his malice against their Honour, Interest and Reputation, knows neither end nor bounds. For upon *Monsieur Fagel's* having ask'd, Who would go about to advise him or any man else, to endeavour to perswade their *Highnesses*, whom God has so far honoured, as to make them Defenders of his Church, to approve and promote things so dangerous and hurtful both to the Reformed Religion, and to the publick safety, as the Repealing of the *Test Laws* would be; our Author does hereupon, with his wonted Friendship, Equity, and Candor to those Excellent Princes, tells us that *he hath not met with so bold a Declaration as this of calling them the Protectors of Gods Church, and that the ascribing it to them, is a detracting from the Honour of Kings and Monarchs, who will not Abdicate from themselves to any other so glorious a Title.* And in pursuance of his rancour towards their *Highnesses*, he runs out in his way of Wit and Learning into a most silly and impertinent Discourse about the Nature of a Church, and accuseth the Prince and Princesses, as if by having this Character conferred upon them, they had a design to usurp from his Majesty of Great Britain the stile of Defenders of the Faith, and to challenge to themselves the being the Protectors of the Church of England. Surely this Gentleman does by vertue of his Popish Zeal and Irish Understanding, believe that no Titles are due to Princes in reference to the Church of God, but what are derived from the Papal Chair. Whereas I dare say, that *Monsieur Fagel* in bestowing this Title upon their *Highnesses*, did not dream of the Roman Pontiff; but had been taught it by God Almighty, whom I take to be the Supreme and true Fountain of Honour, who is pleased to character such Princes as do cherish and favour his Church, by the Name of *Nursing Fathers and Nursing Mothers*, which is the term that the *Pensionary* useth in reference to their *Highnesses*. And as it is their own merit, which according to the Tenor of the Divine Creation, hath entitiled them to this glorious stile; so they are neither to be ridicul'd nor hector'd out of that duty, of countenancing and supporting the Reformed Religion, nor to be deterred by bold and empty words from those compassionate, generous, and Princely Offices to sincere Orthodox Believers, by which they have deserved it. And while others glory in the enjoyment of the Titles of most Christian and most Catholick Kings, which their Vassalage to the See of Rome, their contributing to the Exaltation of the Triple Crown, and their being the Popes Executioners in the shedding the Blood of Saints, hath procured unto them, 'tis enough for their *Highnesses* to be by the Suffrage of all true Protestants, and that agreeably to the Doctrine and Authority of the Sacred Scriptures, had in esteem, and revered for *Nurseries* and Protectors of Gods Church. Nor do they appropriate this stile to themselves, tho' they account it the brightest among all their Titles, but they acknowledge it to belong equally to many others, and are afflicted at nothing more, than that all Potentates may not justly claim a share in it. And as the *Pensionary's* ascribing it unto their *Highnesses* was out of no design to usurp upon the King of Englands Title of Defender of the Faith, nor to affix any Authority unto them over that Church, so it will be no presumption to add, that all of the Reformed Religion in that Kingdom, how much soever differing in little and circumstantial things among themselves, are yet so far sensible of the obligations they are under to their *Highnesses*, and of the benefits they have all the Assurance to expect from them hereafter, that without meaning ill either to the King or to any one else, they will unanimously join in stiling them Defenders of the Christian Reformed Faith, and Protectors of Gods Church professing the Protestant Religion. And they will easily know with whom they are to be angry, and against whom to direct their Resentments. *Mijn Heer Fagel* had said, that if the Dissenters cannot during his Majesties Reign be eased from the Penal Laws, unless the Tests be also abrogated, that this will be an unhappiness unto them, but for which the Roman Catholicks are only to be blamed, who chuse rather to be contented, that they and their Posterity should remain still obnoxious to the Penal Laws, and exposed to the hatred of the whole Nation, than be restrained from a capacity of attempting any thing against the peace and security of the Reformed Religion. Our Author whose envy and injustice against their *Highnesses*, is not yet fully spent, doth in his imprudent and indiscreet way obtrude from hence upon the World, that the Nonconformists as well as the Roman Catholicks may hereby see where their true Interest stands, and that they are extremely obliged to those in whose Name this advice is given, for the Consolation afforded them in the condition under which they are stated by Law. Which is as much as if he should harangue the Nonconformists into discontentment against the Prince and Princesses, by assuring them that they are to hope for no relief against the Penal Laws by any favour of theirs. Whereas the Dissenters are not only told that their *Highnesses* are willing to consent, but that they do fully ap-

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prove, that they should have an entire Liberty for the full exercise of their Religion, without being obnoxious to receive any prejudice, trouble, or molestation upon that account. So that the heat which our Author would enflame the Dissenters unto against their *Highnesses*, ought to turn and spend it self against the Papists, who rather than part with the *Tests* which the Nonconformists are as much concerned to have maintained as they of the National Communion can be, are resolved to keep all the Penal Laws in force, and to leave the Dissenters under the dread and apprehension of them. But this they may be fully perswaded of, that if they can escape the edge of them during this Kings Reign, they will be in no danger from them, in case the Nation come once to be so happy as to see their *Highnesses* seated on the Throne. For as much as they have not only their word, which was hitherto never violated, laid to pledge for their relief and ease, but in that their Interest as well as their Principles will oblige them to be compassionate and tender to all sorts of Protestants, and if they cannot be so Fortunate as to unite them, yet to exercise equal kindness and favour towards them.

Having examined what our Author in his impertinent way venteth in unjust Reflections against their *Highnesses*; and having in some measure chastised him for them, tho' not to the Degree he does deserve; I come now in the *third place* to call him to an account for his calumniating the States of these Provinces, and for his endeavouring to possess the minds of their Popish Subjects with dissatisfaction and prejudice towards them. And if he be the person whom most men take him for, tho' he may have herein acted suitably to himself, yet he hath behaved disagreeably to his character, and unworthy of the *Post*, which his Master hath placed him in. Nor need we from henceforth doubt, but that he does all the ill Offices he can between his Majesty of Great Britain and this Government, seeing he hath by slanders destitute of all Foundation, most maliciously studied to raise differences betwixt them and their own Subjects. And if the Intelligence which he transmits to *Whitchhall*, be as equally distant from truth and sincerity, as the *Memoirs* are which he hath here published, we may easily conjecture what little credit ought to be given unto it, tho' at the same time we cannot but discern the end that it must be shapen and designed unto. Nor was there the least occasion administered by *mijn Heer Fagel* in his *Letter*, by which our Author could be provoked to attack these *States*, with so much rudeness, injustice, and falshood, as he hath done in his *Answer*. For all that the *Pensionary* had said, and which it seems threw our Author into a raging fit, was only that their *Highnesses* could consent that the Papists in *England*, *Scotland* and *Ireland*, should be suffered to exercise their Religion with as much freedom, as is allowed them in these Provinces, in which they enjoy a full liberty of Conscience. And as the time hath been, and may hereafter come, wherein the English Roman Catholics would have thought, and may again account such a Liberty for a happiness; so I do not understand if the condition of the Roman Catholics in these Countreys, be as our Author describes it, with what consistency either to Reason or with themselves, the Papists in *England*, should have so often heretofore in their *Pleas* for a Toleration, have made the Liberty vouchsafed their Brethren in these Provinces, not only a motive for their own being capable of Indulgence, but to have represented it as the largest measure of the freedom they desired, and which they would have been thankful for. Seeing this Gentleman according to his accustomed manner of truth and ingenuity takes upon him to assure us, *That as there can be no greater persecution, than what the Papists undergo in the exercise of their Religion, in Guelderland, Freesland, Zeland, and the Province of Groningue; so that the Liberty which they even enjoy in Holland, is so mean and inconsiderable, that it doth not deliver them from being subject to daily fines and molestations.* Surely this man is either very unacquainted with what is done upon the account of Religion in other parts of the World, or else he must needs think, that the most brutal severities to some, are Acts of Merit; while gentle restrictions upon others, are mortal Crimes, otherwise he could never write at this ignorant and extravagant rate, wherein all persons must discern his folly as well as insincerity and neglect of truth. For we have too many deplorable evidences daily before our Eyes, besides those which arrive with us by reports of unquestionable credit, of a stranger kind of *Persecution* exercised towards those of the Reformed Religion in *France* and *Piedmont*, than any which the Roman Catholics in these Provinces can be alledged to be under, except it be by one of our Author's veracity and discretion. Neither needs there any other Refutation of the calumny with which he asperseth the Supream and Subordinate Magistrates of this Country in reference to the treating their Popish Subjects with horrid Severities, nor a clearer proof that those of the Romish Communion, do esteem themselves to be in a condition of peace, freedom and ease under this Government, than that

that of their behaviour during the late War carried on by the *French King* against these States, which he gave out both at *Rome* and at several other Courts in *Europe*, to have been undertaken in favour, and for the restoring of the Roman Catholick Religion. For had they lain under that grievous persecution, and those tragical hardships in the practice of it, which our Author would impose the belief of upon the World; they would not have failed to welcome that Monarch as their happy Deliverer, and would have united in a general Insurrection against the States, for their having been Tyrannous over them. But instead of that, most of them acquitted themselves with the same Zeal for the support of this Government, and in defence of their Country, that other Subjects did. Which demonstrates beyond all controul, that they do not judge themselves to be in so wretched and miserable circumstances, as this bold and calumnious Person represents them to be. And whereas *Monsieur Fagel* in justification of the necessity of preserving the *Test Laws* by which the Papiſts are precluded from Employments and Places of Trust, and to rectifie a mistake in Mr. *Stewart* about his conceiving the Roman Catholicks to continue capable of bearing publick Offices in this Commonwealth, had said, that by the Laws of this Republick they are expressly shut out from all the Employments both of Policy and Justice. Our Author does hereupon with the highest Injustice, and with all the acrimony he can, accuse the States, not only of departing from the express Terms of the Pacification of Gant, but of violating the Articles of the Union at *Utrecht*, which was the Foundation upon which this Government was both originally erected and doth still subsist. And with his wonted degree of knowledge and prudence he further adds, That the Provinces, and most of the Cities, would not have entred into the foresaid Union, but upon condition that they of the Roman Catholick Religion should at all times possess the Government. And particularly that *Amsterdam*, had it stipulated unto them, under the Guaranty of the Prince of Orange, that none of the Reformed Religion should be allowed a Place to assemble in, either within the Walls, or without, so far as the Jurisdiction of the City did extend. One would have little expected, that a person living in the Communion of the Romish Church, as our Author professeth himself to do, should upbraid these States with the violation of Articles, relating unto a Grant made unto any for their Security in the free Exercise of their Religion, at a season when Popish Sovereigns not only account it their glory to break all Laws, Oaths and Edicts, by which Protestants had their Religion, together with many other Rights and Privileges, established and confirmed unto them, but who with a savageness and barbarity which scarce any Age can parallel, seek to extirpate their Religion and destroy them. And all this attempted and pursued against them, not only without their being guilty of any crime, by which they might have deserved to lose the favour of their Princes, and to forfeit protection in the free exercise of their Religion, and their safety as to their Persons and Estates, which had been sworn unto them, and secured by Authentick Laws: But when one of the chiefest motives unto it, was their Loyalty, and the Merit that they had laid upon their respective Sovereigns, which by a new way of gratitude was thought fit to be thus recompensed and rewarded. And if we be not, as I have formerly said, strangely deceived in the Person and Character of our Author, this charge upon the States of these Provinces, is the effect of a most prodigious folly, as well as of inveterate malice, in that his Master contrary both to the Laws of the Realms, his often repeated Promises, and his Coronation Oath, assumes a power of introducing those into Offices, who by the Statutes of the Land stand precluded from them, and of thrusting them out, who alone are the Persons that are legally capable of them. Which manner of proceeding in his Majesty, hath besides the injustice that attends it towards all that are laid aside, a signal piece of ingratitude accompanying it to many of them, as having been the Persons, whose Zeal for his Person brought him to the Throne, and whose courage maintained him in it. But I shall not think it enough merely to have exposed his imprudence and indiscretion in the forementioned accusation against the whole Governing Body of this Country; but I shall likewise shew it to be false, slanderous, and unjust in every part and branch of it. And that I may act with more truth and candour than our Author hath done, I do acknowledge, that at the first commencement of the War against the King of *Spain*, for the defence of the Laws and Privileges of these and the neighbouring Provinces, that not only they of the Reformed Religion, but likewise the Roman Catholicks, took Arms and hazarded their Lives and Estates in that just quarrel. And I do also grant that thereupon there was Liberty of Conscience allowed and established by several Treaties, in the vertue of which, both parties were to be equally tolerated, and the one not to disturb or disquiet the other. Nor was there ever any thing done by way of Ordinance or Law, to lessen or restrain the liberty of the Papiſts, nor to abridge, much less deprive them, of any Power, Jurisdiction and

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Authority that they possessed, so long as they remained faithful in the common cause, and behaved themselves with Equity, Justice and Peace towards those who had withdrawn from the Roman Communion. But such was the ascendancy of the Priests over the Roman Catholics, and so powerful was their influence upon them, that in a little time they not only hindered and molested the Protestants in the exercise of their Religion, and committed many unjust and cruel severities against them, but they proceeded to various attempts of betraying the Rights and Civil Liberties of the whole Country, and of enslaving it both to the Tyranny of the King of *Spain*, and to the bloody and cruel Inquisition. So that from hence it became a matter of necessity rather than at first of choice, that the Government should be disposed into Protestant hands; and that the liberty of the Papists, should have those limits and regulations given unto it, as might render it both consistent with the peace, freedom, and safety of those of the Reformed Religion, and with the preservation of the Civil Rights and Privileges of these Provinces. This is the account, which all who have written with any knowledge and integrity of the Transactions of those Times, do give us of the many Changes and Revolutions that fell out in reference to Religion, till all matters both concerning it, and the Political Government of these Countreys came to be established in the Form and Way, wherein they do still continue and subsist. And this I do undertake to make good by all publick, Authentick, and approved Histories, if our Author shall have the confidence to insist upon the justification of his criminations, And all that I shall at present direct men unto for the confirmation of what I have said, is that admirable *Apology of William I. Prince of Orange*, whom his present *Highness*, does in Wisdom, Steadiness, and true temperate Christian Zeal so signally imitate, and which that great Prince, who was the first and happy Founder of this Republick, published in defence of himself, and of those actions, for which the slavish and mercenary Factors of *Rome* and *Spain* had traduced and aspersed him. But let us advance to a particular Examination of those matters of Fact, upon which our Author challengeth these States for violating their Faith with their *Roman Catholic Subjects*. And the things he is pleased to specify, are their departing from the Terms of the *Pacification of Gant*, and their breaking the *Articles of the Union* agreed unto at *Utrecht*, 1597. Nor am I unwilling to acknowledge, that soon after the *Pacification* concluded at *Gant*, there were several indecent and indiscreet things done contrary to the purport and tendency of it, both by those of the Romish, and by them of the Reformed Religion. Which proceeded from the Superstitious Fury of the former, and the imprudent Zeal of the latter. Yet it is certain, that the ground of its coming to be rendred wholly ineffectual, arose from a design of the King of *Spain's*, under the cloak and palliation of that Treaty, to subvert the Civil Rights and Privileges of all the Provinces, to the Defence and Preservation of which the *Roman Catholics* as well as *Protestants* were sworn and bound by the said *Pacification*. For after that *Philip II.* had in compliance with the necessity of his Affairs, consented unto, and ratified all the Terms, Provisions and Conditions, which both the *Papists* and the *Reformed* had in that *Pacification*, League and Confederacy, insisted upon, and agreed to adhere unto; it was soon after discovered by Letters intercepted to *Don John*, who was at that time constituted Governour over the Low Countreys, that all which *Philip* aim'd at, was thro' the having rendred them secure by the Ratification of that Treaty, to take advantages whereby to enslave them, and under the Cover of it, to provide himself of means, by which he might be established in an unbounded Tyranny over them. So that by reason of what was detected in those Letters, and from *Don John's* proceeding to possess himself of *Namur*, and his endeavouring to corrupt and debauch the German Troops, which were in the States service, and paid by them, together with the defection of many of the *Roman Catholics* from all the Terms of that *Pacification*; the War came again to be revived against the King of *Spain*, and all that had been agreed unto at *Gant*, was rendred ineffectual and overthrown. And I would fain know of our Learned and Wise Author, how the States of the *Seven Provinces* are more guilty of the violation of that *Pacification*, by making the *Protestant Religion*, to be that of the publick Establishment, within their Territories and Jurisdiction; than the King of *Spain*, and the States of the *Spanish Netherlands*, are in their denying a Toleration of the *Protestant Religion* in those Provinces; seeing I am sure it was agreed and sworn unto in that *Pacification*. And as for the Union concluded at *Utrecht*, the Terms whereof our Author upbraids these States with a departure from: It will be no difficult matter to shew how his knowledge and sincerity are in reference to this particular of one measure and piece. For tho' diverse of the Provinces, which entred into that Union, did thereby enjoy a Liberty of chusing and determining which of the two Religions should have the stamp of the publick esta-

establishment within their own Jurisdictions; yet it was then and there ordained, that the Protestant Religion alone should be publickly professed, and have the protection of the Laws in the Provinces of *Holland* and *Zealand*. And as the other Provinces were left to do, as they should judge best for the peace and safety of their respective Territories, and the support and defence of the Union; so it is a thing wherein all that have written with any integrity, do agree, that the alterations which were afterwards made in these Provinces, or in reference unto them, concerning Religion, were either resolved and decreed in the Provincial Assemblies of the States of those several Provinces, or else in the meetings of the States-General, where not only the Deputies of those several Provinces were present and consenting, but behoved to have the approbation of their Principals, in order to the rendring those Alterations legal and binding. Nor is it unworthy to be observed, that the chief occasion for shutting the Roman Catholics out of the Government, and for depressing the Romish Religion from being Dominant, arose from the Papists themselves, in that not only contrary to their stipulations and promises, they were found in the vertue of a malice imbib'd from their Religion, to be upon all occasions committing violences and outrages against the Reformed, but in that the Roman Catholick Magistrates, and many others of that Communion, were discovered to retain too great an inclination to *Spain*, and to be ready to abandon and betray the Freedom and Civil Rights of their Countrey, instead of continuing stedfast and faithful in the defence of them, as they had covenanted and sworn. In a word, as neither the Articles of the Union at *Utrecht*, nor any other Terms agreed upon, before the Abdication of the King of *Spain*, which was not until Anno 1581. can be called the Fundamental Laws of the Government of this Republick, tho' they may be stiled conditions upon which such and such Provinces Associated for mutual defence against the Spanish Power and Tyranny; so it is undeniable, that by reason of the many dangers they found themselves exposed unto, and the hazards they had run of being betrayed again into the hands of the *Spaniard*, through their having suffered the Magistracy to remain any wherein Papists, and thro' their having allowed the Roman Catholick Religion to be publickly preached and exercised, they thereupon re-assumed and gave a new frame unto their Union in the Year 1583. in which it was agreed and enacted by all the Provinces, that from that time forward, the Reformed Religion should alone be openly professed and preached, and that none but Protestants should from that time be admitted to any Office of Policy and Justice in the Government. And as this is the true Fundamental Law upon which this State hath since so happily subsisted and flourished; so there can be nothing objected against the Justice of it, but what will lye against all States of the World, who have always changed and moulded their Laws, as they have been necessitated in order to self-preservation. And so remote from all truth, is our Author's affirming the Roman Catholics to have been upon these Alterations brought under Persecution; that Sir *William Temple*, whom the World will much sooner believe than this Gentleman, tho' possibly he may bear the same character which that worthy person once did, does assure us in his excellent *Observations upon the United Provinces of the Netherlands*. That no Papist can here complain of being pressed in his Conscience, of being restrained from his own manner of Worship in his House, or obliged to any other abroad, and that all such, who ask no more than to serve God and save their own Souls, have as much Freedom, Ease and Security as they can desire. Yea it is demonstrable that the Roman Catholics enjoy advantages under this Government, which they have not in Popish States. In that being suffered to exercise their Religion so far as is necessary to attain all the ends of it, if it be capable of affording them any whereon they can hereafter find themselves happy; they are delivered from the Tyranny of Priests over their Persons and Estates; and hindred from being in a condition to do that ill to others, which the Doctrines of their Church would both tempt them unto and justify them in. And as to that which our Author says of the injustice done to the City of *Amsterdam*, and of the violating the Conditions towards the Roman Catholics there, upon which under the guaranty of the Prince of *Orange* they came into the Union; he is mistaken in that whole matter, and betrays only his ignorance, infidelity, or both. For the Conditions which he mentioneth, were the result of an Agreement made Anno 1578. when upon the *Nassovian* Army's coming before their City to attack them, they abandoned the Party and Interest of the King of *Spain*, whom they had till that time adhered unto, and came into an Alliance with the rest of the Towns of the Province, to oppose him in defence of the Priviledges of these Countreys. And as this was a year before the Union concluded at *Utrecht*, into which *Amsterdam* entred at the same time that *Gelderland*, *Zutphen*, *Holland*, *Zealand*, and *Utrecht* did; so they joined in the Union upon the same Terms, that the other Towns

of

of their own Province had agreed unto. Nor could the Prince of Orange be *Guaranty* in reference to the conditions specified in the *Union*; forasmuch as tho the Act of *Union* was signed Jan. 23. 1579. yet the Prince did not sign it till the *May* following. And that the Roman Catholick Magistrates, came to be divested of the Government, contrary to the Articles made with them when they forsook the party of the King of *Spain*, they have none to blame for it but themselves, nor was there that injustice in it which our Author does imagine. For not being satisfied to remain disobedient and refractory to an Edict and Decree of the Arch-Duke *Matthias* and the Council of State, who Anno 1578. had appointed, that wheresoever there were a hundred Families of those professing the Reformed Religion, that they should there be allowed a Church or Chappel for the exercise of their Worship; they not only broke all their capitulations made with the Protestants, thro oppressing them in various, severe, unjust, method's, and in denying them a decent and convenient place in which they might bury their dead, but they were found to be still inclining to the *Spanish* Interest, and ready to espouse it upon the first convenient opportunity. And therefore the Protestants, who were by much the majority, partly to relieve themselves from the sufferings which were daily inflicted upon them contrary to stipulations and Articles, and partly to prevent the mischiefs which would have ensued to the whole Country, should that City have been betrayed again into the power and hands of the *Spaniards*, assumed the Government to themselves, and eased the other party of the Trust, which they had so unwisely and unrighteously managed. Nor can our Author deny, but that since they took on them the Ruling Authority, they have exercised it with all the moderation that can be expressed. And have been so far from returning to the Roman Catholicks, the like measures which themselves had met with, that they have in no one thing given them cause to complain, unless they should quarrel that they are kept out of capacity of doing the mischief, their priests would otherway's be ready to excite them unto, and which their Religion would countenance them in.

But it is now time that I should proceed to the *fourth* thing, for which I promised to call our *Anonymous Answerer* to an account. And were he not of a singular *Forehead*, and of a peculiar complexion from all others; he could not have had the impudence to endeavour to deceive the world into a belief, that the Protestant Dissenters in *England*, stand listed by their *Highnesses* into the same rank with the Papists, and that they are hereafter to expect, to be shut up into the same state and condition. Certainly he must either have an Antipathy woven into his nature against all truth and sincerity, or else thro having long accustomed himself to the misreporting of persons and to the giving false representations of things, he must at last have acquired an incurable Habit, otherwise it were impossible to prevaricate to that degree from truth, in every thing he medleth with, and which he undertaketh to say. For *Mijn Heer Fagel* having declared, that the reason why their *Highnesses* can not agree to the Repeal of the Test Laws, is because they are of no other tendency, than to secure the Reformed Religion from the designs of the Roman Catholicks, and that they contain only conditions and provisions, whereby men may be qualified to be Members of Parliament, and to bear publick Offices. Our Author hereupon tells us. That the Nonconformists as well as the Roman Catholicks, do apprehend that they receive a great deal of damage, by those Laws, and do account them extremely prejudicial to their Persons and Families. And whereas *Monsieur Fagel* had said, that he would be glad to hear one good Reason, whereby a Protestant fearing God, and concerned for his Religion, could be prevailed upon to consent to the Repealing of these Laws which have been enacted by the Authority of King and Parliament, and that have no other tendency save the providing for the safety of the Reformed Religion, and the hindring Roman Catholicks from being in a capacity to subvert it. Our Author in way of reflection upon this, tells us, that it is not only a *Childish demand*, but that it is to be hop'd that the pensionary will from hence be brought to acknowledg, how trifling and weak all those Reasons are, by which he would preclude the Nonconformists as well as the Roman Catholicks from publick Employments. So that by these and many other passages equally false and disingenuous in our Author's pretended Answer, which for brevity's sake I forbear to mention, it is apparent that he endeavours to perswade the world into a belief, that the Dissenters are stated by their *Highnesses* in the same rank and condition with the Papists, and are to expect to be treated in the same manner, in case it please the Almighty God to bring Their *Highnesses* to the Throne. One would wonder at this sudden and strange change in the opinion and conduct of the Papists towards the Nonconformists; that they who were represented by them a while ago' as unfit to live in His Majesties Dominions; should now come to be accounted the Kings best and most Faithful Subjects, and worthy to be advanced to the chief Trusts and Employ's



ploy's. 'Tis but a few years since, that all the Laws enacted against them, were judged to be too few and gentle, and therefore they had Laws executed upon them, to which the Legislators had never made them obnoxious; but now the Roman Catholicks are become so tender of their ease and safety, that out of pure kindness unto them, if any will be so foolish as to believe it, they must have Laws abrogated, which in the worst times, and during the most illegal and barbarous procedures against them, they were never affected with nor suffered the least prejudice by. And whereas it was the only way for persons heretofore to make their Court at St. James's, by declaiming against the Dissenters as Rebels and Traitors, and by putting them into a salvage Dress, to be run upon as beasts of prey, it is now grown the only method of becoming gracious at *Whitehall*, to proclaim their Loyalty, and to cry them up for the only people in whom his Majesty, with safety to his Person and Crown, can repose a confidence. But under all the Shapes which the Papists do assume, they may be easily discovered to retain the same malice to the Reformed Religion, and only to act those various and opposite parts, in order the better to subvert it. And the Dissenters being harassed and oppressed before, and indulged and caressed now, was upon the same motive of hatred unto it, and in subserviency to its extirpation. The method's are altered, but the design is one, and tho they have changed their Tools, yet they remain constant in the pursuance of the same End. While they of the Church of *England* were found compliant with the ways, which the Factors for *Rome* thought serviceable thereunto, they were not only the Favourites of the Court and of the whole Popish party, but were gratified, at least as was pretended, with a rigorous execution of the Penal Laws upon Dissenters. But there remaining several steps to be taken for the introduction of Popery, and the extirpation of the Reformed Religion, which they of the National Communion would not go along with them in, they are forced to shift Instruments, and to betake themselves to the Nonconformists; whose assistance the better to engage, they have not only suspended all the Penal Laws, to which the Dissenters were liable, but have endeavoured to fill them with jealousy and apprehension of danger from the Test Acts, tho at the same time they know that Nonconformists never either did, or could receive prejudice by them. Only they are sensible, that if they could work up that easie people into such a belief, they should thereby not only obtain their concurrence and abettment, for the rescinding of those Laws, that are at present the only great remaining Fence about our Religion, and upon the abrogation whereof nothing could hinder the Papists from getting into a condition to extirpate it; but make them a formed and united Body with themselves against the *Prince and Princess of Orange*, who have with so much Wisdom, Courage and Integrity, declared that they are against the having them repealed. And as the Dissenters cannot have so far renounced all regard both to honesty and to a good name, as to be fond of being herded with the Papists, or thank our Author for it; so they must be become void of all sense and understanding, if they suffer themselves to be either wheedled or frighted into an opinion of their being subject to receive any damage by the Tests; it being so expressly contrary both to the Terms of those Laws, and to their own experience. Nor can they be so far abandoned of God, nor prove so treacherous to the Nation, Posterity and the whole Protestant Interest thro' Europe, as to cooperate to the Repeal of them, by destroying that great Fence about the Reformed Religion in *England*, and to put the Papists into capacity both of subverting it there and every where else. And setting aside a few mercenary fellows among them, there is no ground to fear, after we have had so many proofs of their zeal for the Protestant Religion and English Liberties, in the worst of times and under the greatest Temptations, that they should at this season, when all others behave themselves with so much Integrity and Courage, be accessory to so villanous a thing. The ill success which the Court hath met with in the several Towns and City's, since the late Regulation of the Corporations, sufficiently shews, that the Dissenters who were put into Magistracy, in hopes by them to have compassed the packing of a Parliament, are no less careful of preserving the Test Laws, than they of the Church of *England* Communion were, who were displaced to make way for them. And to discover the grossness of the abuse, which our Author, without regard to Truth or Ingenuity, endeavours to put upon them, as if they were judged by their Highnesses to be incapable of Trusts and Employments, or any ways concluded to stand under those restraints by the Test, which the Roman Catholicks do; there is not one word in *Mijn Heer Fagel's* Letter, whereby they are said to be subject unto them, or by which there is any ground administred of fancying they are put into the same rank with the Papists, and whereby to fear that they may hereafter come to be treated accordingly. But in stead of this, they are expressly told, that Their

*Highnesses* do both allow and desire the abrogation of all the Penal Laws against Dissenters, and the having them freed from the severity of them; and that they do not only consent but heartily approve of their having an entire liberty granted them for the full exercise of their Religion, without any trouble or hindrance, or being left exposed to the least molestation or inconvenience upon that account. And to testify how far the Nonconformists are from being in the least menaced by those Laws, it is again Declared, that the only reason why their *Highnesses* refuse to consent to the having them repealed, is, because that they have no other tendency, save to Secure the Reformed Religion from the Designs of the Papists, by containing provisions in the virtue of which, those only may be kept out of Office who can not testify that they are of the Reformed, and not of the Roman Catholick Religion. Which as it is the highest evidence imaginable, of their own stedfastness and integrity in the Reformed Religion, and of the compassion and love which they equally bear to all who profess it, and how careful they will at all times be to have it maintained and supported; so it is the putting such a merit upon all Protestants, that it should engage their prayers for their happy exaltation to the Throne, and make them ambitious as well as willing and ready to hazard their lives and Fortunes, for the securing the Succession unto them, if any should be so wicked as to go about to preclude them.

But I must pay a further attendance upon our Author, and accompany him to the fifth particular which I promised to consider; namely that according to his own foolish and incoherent way of writing, while he pretends to commend and justify the proceeding of His Majesty of Great Britain, he publisheth the villany of the Papal Church, and proclaims the dishonour and injustice of diverse Eminent Monarchs and Princes of the Romish Communion. His *Panegyricks* upon the King of England, are so many just Satyr's upon the Church of Rome, the Monarch of France, and the Duke of Savoy, &c. For if it be becoming a Christian, to be of a contrary judgment to those who are for persecuting such as differ from the publick and established Religion, and if it be a sentiment worthy of a Royal mind, that none ought to be oppressed for their Consciences in Divine Matters; what characters of irreligion, ignominy, wickedness, are due unto them, who judge it to be meritorious to destroy sincere Christians, for no other pretended Crime, save that they cannot believe as the Pope and the Church of Rome do. Surely our Author must either be extremely ignorant of the Doctrine of his own Church, and of the bloody and barbarous practices pursuant thereunto, both at this day, and for many ages past; or else he must be the most unfincere miscreant that ever writ, or at best be guilty of the inconsistency and folly as to continue in the Communion of a Church, whose Articles of Faith he condemns as Antichristian, and whose practices according to the Terms made necessary for Salvation, he abhorreth both as unworthy of Royal Minds, and contrary to Christian Piety. But tho' nothing can render a false man honest, or a foolish Man wise, yet seeing something may be done towards the curing a person's ignorance if he be teachable, or at least to shew his obstinacy, and that the fault is in his will, not in his Understanding, if he will not learn and be convinced; I shall therefore both acquaint him a little with the Doctrine of that Church, and briefly put him in remembrance, how these of the Romish Fellowship have therefore persecuted Christians, and still continue so to do, only for differing from the publick and established Religion. As to the first, it is sufficiently known that according to the judgment of the Church of Rome we are Hereticks, and that Heresie being *Crimen Læsa Majestatis Divina*, we are therefore the worst of Traitors, and liable to the Penalties of the greatest High Treason. And thereupon we are not only declared to be infamous and sentenced to be deprived of all Honor and Dignity, and to be incapable of all Offices, and have our Estates confiscated and seized; but we are condemned to be burnt, and if that cannot conveniently be effected, it is both made lawful and meritorious to extirpate us by War or Massacre, as shall be best and most safe for the Church of Rome. In order whereunto, not only all Laws made for our Security are declared to be null, and that no promises made unto us, ought to be kept; but all Princes, that neglect to destroy and extirpate us, are proclaimed to be deposed. And sure hereunto has their carriage been for many ages to such as differ from them in Articles of Faith, and will not joyn in their Superstitions and Idolatries. In proof whereof I neither need to insist upon the infinite Murders, committed by the *Inquisition*, the most Devilish Engine of Cruelty that ever the World was acquainted with, nor to reflect so far backward as the *Parisian* and *Irish* Massacres, or the infinite Slaughters perpetrated heretofore in France, Germany, and the Low Countreys, &c. seeing we have such fresh and doleful evidences of the mercy and gentleness of the Papal Church, in the ungrateful, inhumane, perjurious, and salvage persecutions executed so lately

in France and Piedmont. If it be the effect of Royal and Paternal affection in the King of England to his Subjects, that all he endeavourerh, is to treat them as becomes a common Father; without making any distinction between one and another, as our Author is pleased to call it in his Testimony concerning him; what cruel Parents must many Princes of the Roman Communion be, who act with that difference towards their people, that while they cherish and embrace some, they tear out the Bowels, and suck the blood of others? And if no Society destitute of such tender and Christian affections, can merit the name of a Church, we hence learn where to fasten the character of being the Mother of Harlots. In that we not only know whose Doctrine it is, that whom She cannot convert, She ought to destroy; but that we have observed her, to have been in all Ages drunk with the Blood of Saints. All the commendations our Author bestows upon the King of England; are not only either so many accusations of His Majesties insincerity in the Papal Faith, or infallible indications that both the King (pardon the expression) and his Minister, are Hypocritical Dissemblers; but they are stabbing and twinging Satyr's against Mother Church, and the Holy Father, and against his Brittanick Majesties dear Brother and Ally the French King. Nor can we be guilty either of Crime or Indecency, in the worst we can say of the Church of Rome, and the Most Christian King; seeing we have in equivalent Terms a President for it, both from so good a Catholick, and so wise a Minister of a great Monarch, as our honourable Author is.

And tho I begin to grow weary of conversing with so impertinent a man, yet I am bound to wait upon him a little longer, and while the Reader can reap no advantage by any thing he says, to see whether it be not possible to lay hold of an occasion from his Ignorance and Folly, to communicate things that may be more solid and instructive. The sixth thing therefore whereof I accused him, and for which I promised to call him to an account, is his egregious ignorance in relation to Government, Laws, Customs, and matters of Fact, *Mijl Heer Fagel* tells us, that the Test Laws being enacted by King and Parliament for the Security of the Reformed Religion, and the Roman Catholicks receiving no prejudice by them, but being merely restrained from getting into a condition to subvert it, therefore Their Highnesses could not consent to their Repeal. And he further adds, that there is no Kingdom, Common-wealth, or any constituted Body and Society, in which there are not Laws made for the safety thereof, which not only provide against all attempts that may disturb their peace, but which prescribe such conditions as they judge necessary, for the discerning who are qualified to bear Employments. To which he again subjoins, that there is a great difference between the conduct of these of the Reformed Religion towards Roman Catholicks, which is moderate, and only to prevent their getting into a capacity to do hurt; and that of those of the Roman Catholick Religion towards the Reformed, who not being satisfied to exclude them from places of Trust, do both suppress the whole Exercise of their Religion and severely persecute all that profess it. And he finally adds, that both Reason and the Experience of the present, as well as past Ages do shew, that it is impossible for Roman Catholicks, and those of the Reformed Religion, when joyned together in places of Trust, and publick Employment, to maintain a good Correspondence, live in mutual peace, and to discharge their Offices quietly and to the publick Good. Now from these several passages, which carry their own evidence along with them, our Author takes occasion both to vent his foolish and ridiculous Politicks, and to proclaim his ignorance in History and of the most obvious matters of Fact. However we shall have the patience to hearken to what he hath been pleased to say, and shall examine it piece by piece, as we go along. And the first thing he does is to acquaint us with a mighty Mystery of State, and which none but so great a Minister could have been able to have revealed; namely, that tho the King and Parliament upon the first Revolution with respect to Religion, and the introducing and setting up the Reformed Religion, thought fit to make those Laws which they judged necessary for its preservation; yet that it does not follow that his present Majesty and a Parliament would be of the same mind, but that they might enact Laws of a differing Nature from the former, and re-establish Religion into the same State, in which it was before the Reformed Doctrine and Worship was set up. We are much obliged to our Author for this discovery, though I must add, that this it is to trust a Fool with secrets, for he will be sure to be blabbing. For tho he subjoin, that he will not say that matters would be pushed so far; yet he hath already told us enough, to make us understand both what his own hopes are, and what is design'd by the Papal party, if they could compass a Parliament of a Complexion and Temper to their mind. But there are two fatal things, which lye in their way. One is, that neither progressing nor closeting, bribing nor threat-



ning, can prove effectual to give them the slenderest ground of confidence of their obtaining a Parliament of that mould and constitution. And the second is, that all the Members must take the Tests, before they can be a Legal Parliament; and then there is little probability, that they who can make the Declaration required in these Laws, will be inclinable to Repeal them; especially at a season, when their own safety as well as that of the Protestant Religion, renders it so necessary to have them maintained. Whatsoever any Body of men, by what name soever they be called, or within what walls soever they assemble, shall attempt to do, without first having taken the Tests; is *ipso facto* null and void in Law, and will serve to no Legal purpose, but to make themselves obnoxious to the severest punishments, which the Justice of a provoked and betrayed Nation can be able to inflict upon them. So that we do not doubt what the King would do, for the re-establishing Popery and banishing the Protestant Religion, could he get a Parliament to his mind; but our hope is that he will not, and the better to prevent it, we will endeavour to keep our Test Laws. But to go on with our Author, who with his accustomed ignorance, but personating here the wisdom of a *Solon* or a *Lycurgus*, takes upon him to instruct us, that *as nothing can be called the fundamental Law of a Kingdom or a Republick, but what was enacted at the commencement of that State or Society, before any alterations could fall out in it with reference to Religion, so nothing deserves the name of such a Law save that which is to the advantage and benefit of all the Subjects*. It were not amiss here to enquire, by what Authority our Author fastens on *Mijn Heer Fagel* this Term of Fundamental Law in reference to the Tests; seeing he never used it in his Letter much less applied it to such a purpose. But falsifying is so natural to this Gentleman, that he could not avoid it, even when he might have been sensible, that he would not escape the being challenged for it. There is a Countrey in the world, that is said to bear no poisonous animal, nor had it need, seeing if any number of the Natives be of the mould and frame that some are, there are brutal and venomous Creatures enough in it, tho there be neither Toad nor Serpent there. But may not the Test Laws answer the end they were designed unto, of being a Fence about Religion, tho they be none of the Fundamental Laws of the Government. It is not the name that alone gives value to a Law; but the Sanction of the Legislative Authority, and the usefulness of it to the publick good. A Statute, that was occasioned by a necessity arising in reference to the publick Safety, ought as much to be stood by and upheld while that necessity continues, as if it were an original Law and Coeval with the Constitution. And if it was the indispensable dependance of the Welfare and Safety of the Community upon such and such Provisions at first, that gave them the Name of Fundamental Laws; I am sure, that under our present Circumstances, we may call the Test Laws absolutely needful, if we assume not the vanity to stile them Fundamental. Besides I would fain know of our Author, that if all Laws lye exposed to an easie Abrogation, that are not coeval with the Kingdom; what will then become of the *Magna Charta* for Liberty of Conscience, which his Majesty not only promisseth, but undertakes to make irrepealable? And withal may not some Laws be as necessary to the being and preservation of a State under the notion of Protestant; as others are to its being and subsistence under the consideration of an embodied and formed Society? Every Society is bound to use all necessary means to preserve itself, and while it maketh no provisions in order thereunto, that derive inconvenience upon others, unless it be only to keep them from being able to do hurt; it would be a wickedness as well as a folly to neglect them. In a word, as the making no Laws necessary for the Safety of a people under any knowledge of God they may be grown up into, but what were coeval with their first formation into a Kingdom or Republick, were the weakning and undermining the Security of the Christian Religion in all parts of the world where it hath obtained to be embraced and settled; so by the same reason that it is lawful to make provisions for the preservation of Christianity in a State professing the Gospel of Jesus Christ; it is also lawful to make the like provisions for the Security of the Reformed Religion in these Kingdoms and Common-wealths, which have judged it to be their duty to God, and their Souls, to receive and establish it. And for our Author's saying, that no Law deserves to be called Fundamental, save that which is to the benefit and advantage of all the Subjects; it is wholly impertinent to the case for which it is alledged, and does no way's attack or weaken what the *Pensionary* had said. For as the Laws contended for to be maintained, were never stiled Fundamental; so many thousands may have benefit by a Law; whom nevertheless all persons of sense and wisdom will account unfit to be advanced to publick Trusts. As no man will judge it unreasonable to require that all who are held capable of publick employments, should have

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some degree of wit and understanding ; so I think it is very reasonable that they should be qualified with so much honesty, as to be well affected to the Government as it is by Law established. And to speak properly it is not the Law that makes the Papists incapable of Offices and Employments , it only declares they shall not be admitted, because they were incapable before , and had made themselves unfit to be trusted, partly through their dependance upon a forraign power, that is at enmity with the State, and seeks to subvert it, and partly by reason of that principle which they are possessed with , of its being their duty to destroy us whensoever they can. And as it's a great favour vouchsafed by the Government , to suffer such to live under it , as stand so ill affected to it, and want only means to overthrow it; so if the Roman Catholicks will not be content with the first without the latter , it will be a great temptation upon the Kingdom to deprive them of the Priviledge they have, because they would not be content with it, unless they might obtain that which the Nation could not grant, without being *Felo de se*, and without abandoning the means both of our safety here, and Happines hereafter. And whereas our Author takes the confidence to tell us, *That there are many States and Cities in Germany, where without the giving occasion to any disturbance, the Government is shared between Papists and Protestants, and where both those of the Roman Catholick and Reformed Religion, do equally partake in publick Trusts and Employments:* He must pardon me if I not only say, he is mistaken, but that it is a down-right Falsehood, and that herein he betrays his wonted ignorance, or at least gives us a new discovery of the insincerity that is natural to him. Nor would he have vented this in so general Terms, but that he did foresee if he should have condescended to particulars, how easy it would have been for persons of very ordinary acquaintance either with History or the World , to have both contradicted and refuted him. And if there were some one or other small City , where by reason of the Fewness of those of one Religion to exercise the Government , and to take care of the Welfare of the Society, those of the other Religion are sometimes received into Employments, in order to prevent the inconveniencies which the want of a competent number of Magistrates would be attended with , and where the Jealousie and Fear of being swallowed up by some envious and potent Neighbour, may lay them under a necessity of agreeing better together than otherwise they would. or than the principles of some of them incline them unto; must we thence conclude that it ought to be so in a great Kingdom, where there is so vast a number of Protestants admirably qualified with Wisdom, Interest, and Estates, to discharge all the Offices of the Government, and to manage the universal care of the Society , without running the hazard of the many mischiefs, that would accompany the taking the Papists into partnership with them? Nor could *Mijñ Heer Fagel* in representing what is safe or unsafe to so great and noble a Nation, take notice of what is practised upon necessity in some mean Town or Corporation , (supposing that it were there as our Author alledgeth) without transgressing against all the Rules both of prudence and decency. But as the *Pensionary* had no where in his Letter affirmed, that there were not any States or Cities, in which the Protestants and Papists bear Office in Government together; but had only said , that Reason and Experience do shew us , how impossible it will be for them when joyned together in places of Trust and publick Employments, to maintain a good Correspondence, and to live peaceably with one another; so this is found to be so just a truth, and so pertinently observed , that in all the places where it hath been practised (tho not in *Germany*, as our Author ignorantly suggests) they have not only lived in continual heats and dissensions, but have often come to open Hostility against each other. Nor hath it meerly fallen out thus in private, and particular States within themselves, but the like evils have often followed and ensued where more States have associated into Union for the common preservation of the Generality; and where the Government hath been in some in the hands of Protestants, and in others executed by Roman Catholicks. Of this we have diverse Examples in the *Cantons* of *Switzerland*, where thro the Magistrates being in some *Cantons* of the Reformed, and in others of the Roman Catholick Religion, they have not only been often hindered from joyning and acting vigorously, as they ought to have done, for the interest of all, and the benefit of the common Confederation and Union; but they have sometimes come to open ruptures, and have been embarked in War against one another. And forasmuch as our Author makes bold to say, *That there was never any Christian Kingdom, where the Religion that the Prince professeth, and which had in former ages been Dominant, was so far laid aside and banished, that his Subjects professing the same with himself, were shut out and precluded from Trusts and Employments.* I will take the freedom to tell him, that it is so gross and palpable a

Falsehood, that none but a person of his ignorance and impudence, would have had the face to have asserted it. For there are Christian Kingdoms that have done more than this amounts unto, and who to prevent the danger of having Papists preferred to Trusts and Employments, in case a Prince of their Religion should come to the Throne, have been so wise as to declare Roman Catholics incapable either of obtaining or keeping the Sovereignty. And it was in the vertue of such a Law, and by reason of the dread of it, that *Christina* Queen of *Sweden*, upon the having taken up a resolution to turn Papist, chose to demit her Crown before she declared her self, as knowing that immediately after such a Declaration she would have been deposed from the Throne, and possibly not have had so liberal an allowance assigned her afterwards, as by that conduct she did obtain. Nor is it unknown to any, except it be to such as our Author is for natural and acquired accomplishments, that there were not only Laws in *Scotland* for precluding a Popish Prince from coming to the Government, but that the same thing was employed in the *English Oaths of Allegiance and Supremacy*, as being Oaths of such a frame and nature that it had been most incongruous to impose them upon Subjects to a King of the Roman Catholick Religion. And tho these two Nations did not improve the advantage which they had by means of their legal provisions, to hinder the present King from inheriting the Crowns of the respective Realms; yet those Laws serve to inform us, how far some Christian Kingdoms thought it lawful to go, and to what height to Act. not only against Popish Subjects, but against Catholick Princes themselves. Yea the time was, that the very Papists were so far from condemning the having men of their Religion debarred from Trusts and Employments in Protestant Kingdoms under a Popish Prince, that they made the *Test* Laws by which they are shut out from Offices and Declared incapable of them, the great Argument against the necessity of having the Bill passed for excluding the Duke of *York* from the Crown, and improved them as the main Engine for allaying the fears of the Nation, under the apprehensions they had of his being a Roman Catholick, and coming to the Throne. But by their different Language now from what it was then, all Englishmen understand how far they are to be believed in other cases: and whether the many promises which they do make at this time, in order to a further design, and the putting a new Trick upon the Nation, ought to be depended on by them whom they have already deceived. And whereas upon *Mijn Heer Egel's* having observed that the conduct of Roman Catholics is much more severe towards Protestants, than that of those of the Reformed Religion towards Papists, our Author is pleased to reply, *that in order to judge as we should of that different procedure, we are to consider whether it be not less just, to banish a Religion that had been so long dominant as the Roman Catholick had been; than to withstand the introduction of a new Religion that would depress and supplant the old.* All I shall say in reference to this, is that as it does not weaken, but in effect acknowledge what the *Pensionary* had said, so by justifying what the Papists did, to prevent the bringing in of the Protestant Religion, which he stiles new; he forewarns us what we are to expect they will be ready to do, for the reintroducing the Papal Religion, to which he gives the character of old. Nor is it at all pertinent to the present case, which of the Religions is the oldest, or which is the newest; but all contended for is that the methods of the one, have been, and still are, more severe and sanguinary, than the methods of those of the other. And as we believe our Religion to be as ancient, as Jesus Christ and his Apostles; so no prescription of time for Popery's having been in possession, can deprive that which has the Divine Authority to warrant it, from a right of re-entrance.

There remains only one thing to be spoken unto, of all that I undertook to discipline and correct our Author for, and that is the signal ingratitude of the Papists, and particularly of this Gentleman, to their Highnesses, for all that Liberty, Favour, and ease which Their Highnesses were willing to have had allowed unto them. And that we may the more fully have an Idea of their unthankfulness, we are to consider both the extent of that Liberty which Their Highnesses were contented to have had bestowed upon them, and the obligations they would have come under for the rendring it hereafter inviolable. And all this not only at a season, when many of the Papists carry it so undutifully towards their Highnesses, but at a time when they of the Reformed Religion are so unhumanely persecuted by several Popish Princes in other parts of the world. It had not been an unreasonable desire that before the Papists had been so importunate to have all Penal Laws against them in Protestant Nations rescinded and taken away; that they should have declared themselves, and improved their interest, for the Abrogation of all such Laws as are in force against those of the Reformed Religion in Popish Countries. And if their Highnesses  
had



had insisted upon such a stipulation, before They would have given their consent for the Repeal of the Penal Laws against Roman Catholics in *England*, it had been no more than what was agreeable to the Rules of Wisdom and Justice. But their Highnesses not thinking it fit to suffer their own mercy to be restrained by reason of the want of Christian bowels in others, took the first opportunity put into their hands, of testifying their readiness to consent to the Repeal of all those Laws against Papists in *England*, *Scotland* and *Ireland*, by which they are made liable to fines or other punishments. And that those which they can not agree to the rescinding of, are only such by which the Reformed Religion is covered from the designs of the Roman Catholics against it, and by which they are restrained from getting into a condition to overturn it. One would think that this should have been received as a most special favour, and have obliged them to very hearty acknowledgments. Especially when the Prince and Princess were willing to confirm both this and a Liberty for the private Exercise of their Religion with their Guaranty. But in stead of any symptoms of gratitude, there is nothing to be heard of from many of them, or to be met with in our Answerer, but what proclaims their dissatisfaction, anger, and revenge. For besides all the ill returns, we have already taken notice of in this wrathful and unthankful man; he tells us, that all which Their Highnesses declare themselves ready to consent unto amounts only to the abolishing some cruel Laws, by which *Romish Ecclesiasticks* stood condemned to death, for no other reason save their being Priests; and in the vertue of which, other persons were banished and deprived of their Estates, merely for being Roman Catholics; all which was a higher degree of barbarity than was ever practised among the most savage Nations. Now not to trouble my self about what kind of entertainment, *Romish Priests* and *Lay Papists* have met with among those Nations, which our Author styles Barbarous, tho it will be found infinitely more severe, than any thing that was ever inflicted upon them in *England*, *Scotland* or *Ireland*, by reason of their Religion, or upon the score of any Ecclesiastical Character: I would only know of this modest and veracious Gentleman, what he thinks of the barbarous and innumerable Cruelties, that were perpetrated in all ages and places heretofore, and which are at this day committed upon peaceable and sincere Christians, for no other crime but that they could not, and to this day cannot believe as the Church of *Rome* doth, nor continue in Communion with so idolatrous and villanous a Society. Whatsoever measure of severity hath been any where exercised towards Papists, it was but according to the President themselves had set, in their dealing with them whom they stile Hereticks, and in which the Copy comes vastly below the Original. But then that which wholly alters the case, is, that whereas the Papists persecute and destroy Christians, merely upon the account of Religion; there were never any severe, much less Sanguinary Laws enacted against them, save by reason of their Crimes against the State, and for being Enemies and Traitors to the Government. Popery was never persecuted in *England* as it is a false and erroneous Belief; but as it binds men to the owning of a forraign, usurped, and unlawful Jurisdiction. 'Tis neither for their believing Transubstantiation, nor for their Worshipping Images, that Papists are adjudged to penalties or death; but because they adhere to a forreign Enemy, and are treacherous to their Countrey. Could they have been but good Subjects; their being bad Christians would never have prejudiced them. And indeed while they continue to hold that the Pope can depose Protestant Sovereigns, and absolve Subjects from their Allegiance to them, and that it is lawful to cut the Throats of all whom they stile Hereticks, and that all Laws made for our security are null and void, as being enacted by an incompetent and unlawful Authority, it would seem according to the exact measures of wisdom and reason, that all lenity and favour towards them, were not only a supererogating in Mercy, but an indiscretion in Policy. But then to let such into the Government, were plainly to betray the State, and wilfully to abandon both it and our selves to be destroyed and ruined. Nor is there so much danger in advancing Robbers and Newgate Fellons to Employments, as there would be in preferring Papists, especially if Jesuited and Bigotted, into Civil Offices in a Reformed Kingdom. And therefore seeing they will not thankfully accept and quietly acquiesce in what is offered, and that rather from an exuberancy of Generosity and Mercy, than from Maxims of prudence, and obligations arising from duty; it is best to leave them, to steer their own course, and to pursue those Methods, which will infallibly issue in their disadvantage, to say no worse. All ways of Gentleness and Moderation towards them, do only encourage their making the bolder claims, and the proceeding further in their usurpations. The giving them an inch, provokes them to take an ell, and they grow enraged because we will not tamely suffer it. If they act as they do, while the Chain

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hangs still about their necks? what are we to expect if it should be wholly taken off, & they left loose to exert the malignity which their Religion inspires them with? For not being contented to invade and usurp all sorts of Employments and places of Trust in defiance of the *Test Laws*; they have assumed that confidence, as to make those very Laws which were intentionally enacted and designed to keep Papists out of Office and Power, the ground and occasion of incapacitating and shutting out Protestants. And whereas none are by Law to be admitted into Employments without making the Declarations contained in the *Tests*; none are now to be continued, save they who shall both refuse to take them, and withal promise to give their votes for the Election of such persons into Parliament, as shall be willing to Abrogate and Repeal them. Which is not only such a piece of Chicannery in it self, but such an Assault upon the Legislative Authority, that it is hard to speak of it, without more than usual emotion of mind, and the having ones indignation strangely excited and enflamed. However all I shall allow my self at present to say, shall be only to advise all sort of persons to take care what they do, there being no Dispensing power lodged in the King, in reference to *Penal*, and much less in relation to the *Test Laws*. Of this we have a clear and uncontrollable proof in the proceedings of the Parliament 1673. when the House of Commons voted the Declaration of the late King for Liberty of Conscience, to be both a violation of the Laws of the Land, and an altering of the Legislative power. Which is the more remarkable, in that it was not only done by the most obsequious Parliament that ever any King of England had, and of which many of the Members were his hired and brib'd Pensioners, but that they did thus adjudge, both after the King had acquainted them by a solemn Speech at the opening of the Session, that he was Resolved to adhere to his Declaration, and had endeavoured to *Hector* them into a departure from their Vote, by telling them in an Answer which he made to one of their Addresses, that they had questioned a power in the Crown, which had never been disputed in the Reign of any of his Predecessors, and which belonged unto him as a prerogative inseparable from the Sovereignty. Yet notwithstanding both all this, and his applying himself in a Speech to the House of Lords to have engaged them to stand by him against the Commons, he was necessitated upon the Commons insisting, that there was never any such Dispensing power vested in the Crown, nor claimed or exercised by any of his Predecessors; and that the assuming it was a changing of the Constitution, and an altering of the Legislative Authority; and upon the Lords declining to stand by him, and their advising him to give liberty by way of Bill to be passed into a Law; I say he was necessitated to take his Declaration off from the File, tear the Seal from it, and to assure both Houses in a Speech he made to them, *March 8.* that what he had done in taking upon him to Suspend the Penal Laws, should not for the future be drawn either into consequence or Example. In brief, if the Papists will not so far consult their own interest, and comply with our safety, as to be contented with an ease from Penalties, and an Indulgence to be ratified into a Law for the private exercise of their Religion; it is the indispensable duty of all Protestants, of what party or persuasion soever they be, to unite together in withstanding their endeavours and attempts for obtaining more. We have a laudable example in the carriage of all that pretended to Christianity, when they were brought into a condition somewhat parallel with ours in one of the first Centuries. For tho the Orthodox had been persecuted by the *Arrians* under *Constantius*, and some of the *Arrians* harshly enough treated at least, as they thought for a while under *Constantine*; yet upon *Julian's* coming to the Throne, both parties were so far from embracing his offers in order to revenge their wrongs upon one another, that they resolved at that season if not wholly to silence their Disputes, yet to forbear all those harsh Terms, that had enflamed their heats and animosities. To which I shall add but this one thing more, and would beg of the Dissenters, that they may seriously consider it, namely that as the *Donatists* were the only party of Christians that made Addresses to *Julian*, and received favours from him; so they thereby became infamous: and were often afterwards reproached with it.

Thus Sir, I have studied to do what you required of me, and if it be my misfortune not to have acquitted my self answerably to your expectations; yet the doing it as well, as the being bound up to an Author, that administers so little occasion for valuable thoughts, would allow, gives me the satisfaction of having approved my self,

S I R,

Your Obedient Servant.

Some Reflections on a Discourse, called, Good Advice to the Church of England, &c.

S I R,

I Have, at last, procured a sight of the Book, stiled, *Good Advice to the Church of England, Roman Catholick and Protestant Dissenter*; and of the *Three Letters from a Gentleman in the Countrey to his Friend in London*; which, as they are written by one and the same person, so he endeavours, in all of them, to make it appear to be the *Duty, Principles, and Interest* of the parties mentioned, to *Abolish the Penal Laws and Tests*. Now though I'm daily in expectation of seeing such an Answer returned to those Papers, as will both give the Author cause to wish he had been otherways employ'd when he wrote them, and make the Court-Faction asham'd of the Elogies they have heapt upon him for his service; yet it may not be amiss in the mean time, to shew, in a very few Pages, that 'tis not any considerable strength in those Discourses, which hath given them a Reputation, but the Interest of some to have every thing accounted unanswerable that is published in favour of their Designs, and the folly and weakness of others, which makes them believe that to be nervous, in whose success they imagine their case to be wrapt up and involved.

I think it is universally acknowledged, and I'm sure it can be demonstratively proved, that they are written by a *Quaker*; and this ought to render us jealous both of the motives influencing unto it, and of the end to which they are designed to be subservient. For first, the affinity of several of the *Religious Principles* of that party, with some of the material *Doctrines* of the *Roman Church*, may, notwithstanding the Charity which we retain towards the Bulk of them, make us justly apprehensive, that one or more of their Leaders are intirely in the Interest of the *Church of Rome*. For as the *Popish* emissaries know how to put themselves into all shapes, for the increasing and heightning divisions among *Protestants*, and for the exposing as well as supplanting of our Religion; so the design promoted in the fore said Papers, of destroying all the *Legal Fences* against *Popery*, and of letting the *Papists* into the *Legislative* and whole *Executive Power* of the Government, gives the World too much ground to suspect out of whose mint and forge writings of this stamp and mettle do proceed. Secondly, It should not a little contribute to augment our Jealousie, that they who without being false to their Religious Tenets, cannot joyn to assist *Protestants*, in case the *Papists* should attempt to cut our Throats, or endeavour to impose their Religion upon the Nation by *Military* force; should, of all men, study to overthrow that Security which we have, by the *Test* Laws, whose whole tendency is onely to prevent the *Papists*, from getting into a condition to extirpate our Religion, and destroy us. Is it not enough that they have rob'd the Kingdom of the Aid of so many as they have leavened with their Doctrine, in case the King, upon despairing to establish *Popery* by a *Parliament*, should employ his *Janizaries* to compel us to receive it, and should set upon the converting *Protestants* in *England*, in the way that the *French Monarch* hath converted the *Huguenots*; but that over and above this, they should be doing all they can, to deprive us of all the Legal Security, whereby we may be preserved from the Power of the *Papists*? Surely 'twere not Charity and good Nature, but stupidity and folly, not to suspect the tendency of such a design, when we find it pursued and carried on by a person that stiles himself a *Quaker*.

But then, when besides this, we find that 'tis *Mr. William Pen*, who is the Author of those Papers, and the great Instrument in advancing this projection, we have the more cause to suspect some sinister thing at the bottom of it. For first, he is under those Obligations to His Majesty, which, as they may put a bias upon his Understanding, so they afford ground enough to *Protestants* to look upon him no otherways than as one Retained against them. 'Twas through his present Majesties Intercession with the late King, that he obtained the *Proprietorship* of *Pennsylvania*, and from his Bounty that he had the *Propriety* of Three whole Counties bordering upon it superadded thereunto. And as this cannot be but a strong Obligation upon so grateful a person as *Mr. Pen*, why he should effectually serve the King, and make his Will, in a very great degree, the measure of his actings; so it ought to be an Inducement to others to be the more jealous of all he say's, and not to surrender themselves too easily either to his *Magisterial* Dictates upon the one hand, or to his smooth Flatteries upon the other. He must have either laid a mighty merit upon the two Royal Brothers, of both whose Religion we are at last convinced, or he must have come under Obligations, of doing them very

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considerable service, in reference to that which they were most fond of compassing; otherways we have little cause to think, that he would have been singled out from all the rest of the Kingdom, to be made the object of so special favour, and of so eminent liberality. For though there might be a debt owing to his Father Sir William Pen, yet they must be extremely weak, who conceive there was no other motive to the fore-mentioned Donation, save Honour and Justice in the two Royal Brothers, for having it discharged. Seeing many of the noblest Families in England, who had spent their Blood, and wasted their Estates in fighting for the Crown, while Sir William Pen was all along engaged against it, were not only left without all kind of Compensation, for what they had eminently acted, and as eminently suffered in behalf of the Monarchy, but could never get to be reimbursed one farthing of the vast Sums, which they had lent the late King and his Father upon the security of the Royal Faith. Secondly, Mr. Pen hath too far detected himself in these very Discourses, not to give us ground to suspect what they are calculated for, and whereunto they are subservient. For besides his justifying the King's turning so many Gentlemen of the Church of England out of all Office and Employ, by saying, *they are not fit to be trusted, who are out of the King's Interest*; he further tells us, that *the King being mortal, it is not good sense, that he should leave the power in those hands, that to his face shew their aversion to the Friends of his Communion.* (Letter first.) For as this implies no less, than that they ought to have the whole Legal and Military Power of the three Kingdoms put into their hands, that they may be in a condition to preclude the right Heir from Succession to the Crown, or prescribe such Laws to her as they please, in case they should think fit to admit her; so a very small measure of Understanding, will serve to instruct us, what the Papists esteem to be an aversion to them, and in what manner, had they the power in their hands, they think themselves obliged to treat us upon that account. And as we have had occasion to know too much of his Majesties Temper and Design, as well as to whose Guidance he hath implicitly resigned himself, not to be sensible what he esteems his Interest; so we need no other evidence what it amounts unto to be in it, than the seeing so many displaced from all share in the administration, whose Quality gives them a Right, and their Abilities a fitness for the chiefest and most honourable Trusts; and whom as the King, by reason of their services to himself as well as the Crown, cannot lay aside without the highest ingratitude; so their known Loyalty to his person, and zeal for the grandure of the Monarchy is such, that nothing could take them off from concurring in his Councils, and promoting his Designs, but the conviction they are under, of their tendency to the subversion of Religion, and the altering of the Legal Government.

And as we have reason to suspect what the foresaid Papers are intended to promote, both upon the account of the Author's being Quaker, and because not onely of the many Obligations he is under to His Majesty, but his being so intirely in his Interest, as appears by his influence into Councils, the great stroke he hath in all Affairs, and from his being one of the King's principal Confidants; so upon looking into those Discourses, we find several things obtruded on us for truth, and proposed in order to wheedle and insnare us into an abrogation of the Laws enacted for our security, which to every ones knowledge are so palpably false, that we have all the ground that may be, both to question and suspect his sincerity, and to conclude, that his Masters do not purpose to confine themselves within the bounds that he is pleased to chalk out for them; and which he undertakes they shall be contented with for their allotment. For what can be remoter from Truth? than that the *Test Laws* were designed as a preamble to the *Bill of Exclusion*, (as he phrases it, *Letter first*) and that they were contrived to exclude the Duke of York from the Crown, (as he expresseth it, p. 15. of his *Good Advice*, &c.) when it is most certain, that as the *Test* in 73. was made long before there were, or could be any thoughts of it, and was enacted by a Parliament against whose Loyalty there can be no exception; so there was a clause in the last *Test Act*, by which it was provided, that he should not be obliged to take it. Again, what can be more repugnant to experience, than that the King onely desires ease for those of his Religion; (Good Adv. p. 44.) and that the Papists desire no more than a Toleration, and are willing upon those Terms, to make a perpetual peace with the Church of England, (Good Advice, p. 17.) For do we not daily see Protestants turned out of all Places of Trust, Authority and Command; and Papists advanced into all Offices Military and Civil; Could the King have been contented with a Non-execution of the Laws against those of his Communion, and could they have been satisfied with such an Indulgence, and have modestly improved it? 'Tis not improbable but that such a behaviour, would have so far prevailed upon the ingenuity and good nature of the generality of Protestants, that without needing to have been importuned, they would have repealed all the Penal Laws against

against *Roman Catholic*s. But the methods which have been pursued by his Majesty and them, shews, both that they aim at no less than the Domination, and that we must be very willing to be deceived, if we either credit Mr. Pen, or suffer our selves to be influenced by him, after his obtruding upon us for truths, matters, which our very senses inable us to refute. It may justly make us question his sincerity, and beget a suspicion in all thinking people, of the sinistrous design these *Papers* are adapted unto, when we find him endeavouring to cajole the Nation to an abrogation of the Laws, by which our Religion and Safety are secured, by telling us, That the King's word is enough for us to rely upon, if they were gone, (*Good Advice*, p. 49.) and that he could easily pack a Parliament for Repealing them, if he did not seek a more lasting and more agreeable security to his Friends, (*Letter third*, p. 12.) and that if they were abolished, 'tis below the Glory of our King, to use ways so unlike the rest of his open and generous principles, as to endeavour to get a Parliament afterwards returned, that is not duly chosen (*Letter second*, p. 15.) and that he is a Prince of that Honour, Conscience and generous nature, as not by invading the Rights of the Church of England, to become guilty of an injustice and irreligion, he hath so often, so solemnly and earnestly spoken against (*Letter second*, p. 11.) He must needs take us to be strangely unacquainted with the whole Tenor of the King's Actings in England, as well as in Scotland and Ireland, and to be persons of very weak understandings, and of an easie belief, if he think we are to be imposed upon, and decoy'd by such Topicks as these, to abolish the *Tests*: or that after what we have seen and felt contradictory to those *Panegyricks*, and inconsistent with those beautiful and lofty Characters fastned upon his Majesty, we should believe Mr. Pen to mean nothing but well and honestly towards the Protestant Interest, in what he so earnestly solliciteth the Church of England and the Dissenters in the forementioned *Papers* to concur and consent unto.

I do acknowledge, that what he hath said about Liberty, due to men in matters of meer Religion, and by way of rebuke unto, and reflection upon the Wisdom and Justice of those, that either are, or have been for persecution, is very strong and convincing; but I must withall add, that it is all at this time very needless and impertinent. For the Church of England is so sensible of the Iniquity, as well as folly of that Method, that there is no ground to suspect She will ever be guilty of it for the future. They, whom no Arguments could heretofore convert, the Court (whose Tools they were in that mischievous and Unchristian work, and by whom they were instigated to all the severities which they are now blamed for) by objecting it to them as their Reproach and Disgrace, and by seeking to improve the resentments of those who had suffered by Penal Laws, to become an united party with the *Papists* for their subversion, hath brought them at once to be ashamed of what they did, and to Resolutions of promoting all Christian Liberty for the time to come. And should there be any peevish and ill-natur'd Ecclesiasticks, who, upon a turn of Affairs, would be ready to reassume their former principles, and pursue their wonted course; we may be secure against all fear of their being successful in it, not only by finding the Majority as well as the more learned, both of the dignified and inferior Clergy, unchangeably fixed and determined against it, but by having the whole Nobility and Gentry, and those Noble Princes whose right it will be next to ascend the Throne, fully possessed with all the generous and Christian purposes we can desire, of making provision for Liberty of Conscience by a Law. Nor can I forbear to subjoyn how surprizing it ought to be to all Protestants, that while Mr. Pen expresseth so much charity for the *Papists*, he entertaineth so little for the Church of England. He would persuade us, that if the Penal and Test Laws were abrogated, the *Papists* would be so far afterward from seeking to shake the Constitution of the Church of England, or from breaking in upon the Liberty that is now vouchsafed unto Dissenters, or from endeavouring to make their Religion National; that they would not onely be contented with a bare Toleration, but that upon their enjoyment of ease by Law, they would turn good Countrymen, and come in to the Interest of the Kingdom, (*Letter first*.) Whereas at the same time, he would have us believe, that all the Protestations of those in the Communion of the Church of England for exercising Moderation in time to come, are but the Language of their fear, that their promises are not to be trusted, (*Good Advice*, p. 54.) and that the Dissenters deserve to be begged for Fools, should they be satisfied with any less assurance, than the abolition of the Penal and Test Laws, (*ibid*. p. 55.) 'Tis enough, not onely to excite our Jealousie, but to stir up severer passions, to be told at a season when we know what the Catholics are doing in France, and in most other places where they have any power, that the *Papists* through having burnt their fingers with persecution, may be grown so wise as to do so no more; and

and yet to have it asserted in the same Page, that they who can be prevailed upon to believe, that the Church of England is sorry for what She hath done, and that she will not be guilty of such a thing again, have little reason to quarrel at the unaccountableness of Transubstantiation. (*Good Advice*, p. 8.) Nor is it becoming one who styles himself a Protestant, no more than it is consistent with Truth, to extenuate our being scandal'd at the severity upon Protestants in France, by affirming, that he can parallel some of the severest passages in that Kingdom, out of the Actions of some Members of the Church of England in cool Blood, (*ibid.* p. 7.) And though I have all the kindness imaginable for Mr. Pen's Person, and am loath to think otherways of him, as to his Religious Principles, than as his avowed profession discovers him; yet these, and diverse passages more of that kind, together with the accession he must necessarily have had to the apprehension and imprisonment of Mr. Gray. &c. for abandoning the *Benedictine Order*; are things I can neither reconcile to the title he assumes, nor to his many Discourses for Repealing the *Test Laws*. And to speak freely, considering the Nature of our Laws against *Papists*, and that it was their manifold Treasons, and onely our care to preserve our selves, that both gave the first rise unto them, and has necessitated their continuance; I know neither how to construe that Assertion of Mr. Pen's (*Good Advice*, p. 13.) that the Principle which the Church of England acts by, justifies the King of France and the Inquisition; nor that other, (*Letter first*) of there having been eight times more Laws made for ruining men for their Conscience, since the Church of England came to be the National Establishment, than were all the time that Popery was in the Chair. Nor can this be designed to any other end, but the giving the Church of Rome the commendation of Mercy and Moderation above a Protestant Church. For as 'tis certain, that the one Law of Burning and Extirpating Hereticks, was a thousand fold worse, and hath produced infinitely more Sanguinary effects, than all the Laws and Rigours that the Church of England can be charged with; so there is nothing can be falser, than that either her Principle, or Practice, do parallel or justify the barbarous and brutal severities of the French King, and the Inquisition.

Moreover, were all Protestants agreed, that Liberty, in meer matters of Religion, should be immediately granted in a Legal way; yet I do not see how the *Papists* should pretend to any benefit by it, or be able to lay a just claim to a share in it. So that the foundation which Mr. Pen goes upon, of mens having a Right to be indulged in matters of Religion, is too narrow to support the structure he raiseth upon it. For though there may be some things retained in Popery, which may be called matters of Religion; yet in the bulk and complex of it, it is a Conjurament against all Religion, and a Conspiracy against the Peace of Societies, and the Rights of Mankind. 'Tis one of the Crimes, as well as the Miseries of this Age, that out of a dread of some, and in complacence to others, we have avoided representing Popery in its native colours, and calling it by the Names properly due unto it. But I have always thought, that 'tis better fail in our Courtship to Men, than in our duty to God, and fidelity to the Interest of *Jesus Christ*, and the safety of Mankind. Nor do I doubt but that they will be better approved in the Great day of Account, who Character Persons, Doctrines and Practices as the Scripture doth, than they, who that they may accommodate themselves unto, and be acceptable with the world, speak of them in a softer stile. Now if either Blasphemies against God, or Tyrannies over Men; if either the defacing the Ideas of a Deity, or corrupting the Principles of Vertue, and Moral Honesty; if either the subverting the foundations of natural Religion, or the overthrowing the most essential Articles of the Christian Faith; if either the most avowed and bold affronts offered to heaven, or the bloodiest and most brutal outrages executed against the best of men; if all these be sufficient to preclude a party from the benefit of Liberty due to people in Religious Matters, I am sure, none have reason to challenge it in behalf of the *Papists*, nor cause to complain, if it be denied them. Can there be any thing more unreasonable, than that they should claim a Toleration in a Protestant State, whose Principles not only allow, but oblige them to destroy us, as soon as their power enables them to do it? Is not the Doctrine of the Pope's Supremacy, and his having a Right to Depose Kings, and absolve Subjects from their Allegiance, together with that of breaking Faith to Hereticks, and the extirpating all those who cannot believe as the Church of Rome doth, mighty inducements to those whom they have baptized with that Name, and to whom they long to exercise that courtesie, for the Repealing of the Penal and Test Laws against *Papists*? Nor are these Principles falsely charged upon them, but they are the Oracular Decisions of their General Councils and Popes, whom they stile Infallible. So that Mr. Pen's Book and Letters, which seem to have been written not so much in fa-  
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your of Dissenting Protestants, as of Roman Catholics, can little advantage the latter, even allowing the Principle which he goes upon, and admitting all he hath said for Mens Right to Liberty in meer matters of Religion, to be unanswerable. And his telling us (*Good Adv.* p. 42.) that Violence and Tyranny are not natural consequences of Popery, does onely discover his kindness to Rome, and the little Friendship and care he hath for the Protestant Interest. For we know both the Principles of their Religion too well, and have at all times experienced, and do at this day feel the effects of them too sensibly, to be deluded by this kind of Sophistry, and imposed upon by so palpable a Falsehood, to abandon the means of our safety. Wheresoever any Popish Rulers Act with Gentleness and Moderation towards those whom their Church hath declared Hereticks; 'tis either because there are Political Reasons for it, as might be easily shewed in reference to all those States and Governments which he mentions, or because there are some Princes of the Roman Communion, in whom the Dictates of Humane Nature are more prevalent than those of their Religion.

But should the gentle Temper of the English Nation, sway them beyond the strict obligations of duty, and make them willing to Repeal the Penal Laws against Papists; yet to do it in their present Circumstances, and at such a conjuncture as this, were the highest act of folly in the world, and a betraying both their own safety and that of their Religion. Had the Roman Catholics forbore to assume a liberty till it had been legally given them; they had been the more capable objects of such a Grace; but to bestow it upon them after they have in contempt and defiance of all our Laws taken it, 'twere to justify their usurpation, and approve their crime. Could they have been contented with the private practice of their Worship, and the non-exaction of the penalties to which our Statutes make them liable, without leaping into all Offices of Trust and Command, and invading our Seats of Judicature, our Churches, and our Universities; their modesty might have wrought much upon the generosity and candor of all sort of Protestants; but their audacious wresting all power into their hands, and their laying aside all those that have either any zeal for our Civil Rights, or for the Protestant Religion, is enough to kindle our further indignation, in stead of influencing us to thoughts of moderation and lenity. And should we once begin to cancel our Laws, according to the measure and proportion, that they break them and usurp upon them, no man can tell where that will terminate; and they will be sure to turn it into an encouragement to further attempts. For having, in compliance with their Impudence, and to absolve them from the guilt of their Crimes and Treasons, abrogated the Laws against Popery; they will not fail, in a little while, to betake themselves to the same Methods, for obtaining the abolition of all the Laws for Protestantcy. 'Tis but for the King to declare, that he will have all his Subjects to be of his own Religion; and then by the Logick of the late Cant, which he used in his Speech to the Council at Windsor, That they who are not for him, are against him; we must immediately either turn Papists, or be put into the same List with them, and be thought worthy of the same Royal Displeasure, which they are become obnoxious unto, who cannot find it to be their duty and interest to destroy the Test. And Mr. Pen's Argument of being afraid of His Majesties and the Papists power, and yet to provoke it, (*Good Advice*, p. 43.) will hold in the one case as well as in the other. Nor do I see but that the Court may improve another Topick of his against us (*Ibid.* p. 44.) viz. That we were ill Courtiers by setting him up, first to give him Roast-meat, and then to beat him with the Spit, by refusing to be of his Religion. To which I may add, that the brutal severities exercised towards Protestants in France and Piedmont, are but ill inducements to prevail upon a Reformed Nation to give Liberty to Papists. 'Tis an Axiom founded in the light of Nature, as well as an Oracle of Revelation, That with what measure any do mete unto others, it shall be measured to them again; and that whatsoever any would that we should do to them, they should do so to us. Would the Papists once perswade Catholick Rulers to give Indulgence to those of our Religion; it would be an argument that they acted sincerely in their pleading against Penal Laws for matters of Religion; and would mightily prevail upon all of the Reformed Communion to Repeal such Statutes as are Enacted against them. But while they continue and increase their Persecution against us in all places where they have power; I do not see how they can reasonably expect, that we should believe them either to be just or honest, or to deserve any measure of lenity. Reprizals are the onely methods, whereby to bring them to peaceable and equal Terms. Had Protestant Princes and States, given Papal Sovereigns to understand, that they would act upon the same square that they do; and retaliate upon those of the Romish Faith, whatsoever should be inflicted because of Religion upon those of ours; I have ground to think that the Clergy in France

and Savoy, would have had more discretion, than to have been Instrumental in stirring up the late Persecutions, and of instigating Rulers to such unparalleled Barbarities. 'Tis not many years since a Prince in Germany begun to treat Protestants with an unjust severity, and to Banish them his Countrey, contrary to his word, and the Stipulation he had made with them; but upon the Duke of Brandenburg's both threatening and beginning to do so by the Roman Catholics in his Dutchy of Cleve, the other Prince immediately forbore his rigour, and the Protestants had fair Quarter allowed them. And therefore if Mr. Pen and his Catholick Friends, in stead of reproaching the Church of England of justifying by her principle the King of France and the Inquisition, would prevail for abolishing the one, and for putting an end to Persecution by the other, they would thereby do more for inclining the Nations to Tolerate Papists, than either by all their invidious Satyrs against the conformable Clergy, or by their Panegyricks upon a Popish Monarch and the Romish Church. In the mean time, 'tis most unreasonable for them to demand or expect, and unwise as well as unseasonable, for British Protestants to consent to the Abrogation of the Tests, and the Repealing of the Penal Laws against Papists. Moreover, though 'tis possible that we might defend our selves against the dangers that might ensue upon it, had we a Prince of our own Religion on the Throne, yet it would be to surrender our selves unto their power, and to expose our selves to their Discretion, should we venture to do it while a Papist of His Majesties humour hath the wielding of the Scepter. One of the main Arguments, by which Mr. Pen would persuade us against all apprehension of danger from the Papists, in case the Test and Penal Laws were abolished, is the inconsiderableness of their number in comparison of Protestants, (*Good Advice*, p. 49.) And yet if there be so many ill Men in the Nation, as he intimates (*Letter 3d.* p. 12.) who being of no Religion, are ready, upon the motives of worldly Interest, to take upon them the profession of any, were it not for fear of being at one time or another called to an account: I do not see but that as the Papists through having the King on their side, are already possessed of what he styles the Artificial Strength of the Kingdom, why they may not, in a short while, were those Laws once destroyed, by which the Atheistical and profane sort of Men are kept in awe, come to obtain too much of the natural strength of it, and raise their number to a nearer equality to that of Protestants. And though they should never multiply to any near proportion, yet we may easily imagine, what a few hands may be able to do, when Authorized by a Popish Sovereign, and seconded by a well-disciplin'd Army commanded by Roman Catholics, could they once get to have a share in the Legislation, and to be legally stated in all places of Trust and Power. What need we had of a legal security for our Religion, in case of a Papists coming to inherit the Crown, not onely the late King, who thorowly knew his Brothers temper and bigotry, but those Loyal Zealots, who, with an unhappy vigour, opposed the Bill of Exclusion, were sensible of; and therefore besides all the security which we have for our Religion by the Statutes in force, they offered many other provisions for its protection, and several of them very threatening to the Monarchy, which we might have had established into Laws, if through our pursuit of the point of Exclusion, we had not been so improvident as to despise and reject them. He that dares attempt so much as he hath done, in opposition unto, and defiance of all our Laws; what will he not have the confidence to undertake, and be in a condition to accomplish, if these obstructions were out of his way. The Penal Laws cannot prejudice the Papists in this King's Reign, seeing he can connive at the non-execution of them; and the Repeal of them now, cannot benefit the Papists when he is gone, because if they do not behave themselves modestly, we can either re-establish them, or enact others which they will be as little fond of. But their abrogation at this time, would infallibly prejudice us, and would prove to be the pulling up of the Sluces, and the throwing down the Dikes, which stem the deluge that is breaking in upon us, and which hinder the threatening waves from overflowing us. And whereas Mr. Pen would obtrude upon weak and credulous Men, That if these Laws were Repealed, the King is willing to give us other for our security, and that he would onely exchange the security, and not destroy it, (*Letter 2d.* p. 11.) he must pardon us, if we do not easily believe him, after what we know of his Majesties natural Genius, and Religious Bigottry, and after what we have seen and experienced in the whole course of his Government. And if there be no other way of giving the King an opportunity of Keeping his word with the Church of England, in preserving her, and maintaining our Religion, but the Repealing of the Penal and Tests Laws, as he intimates unto us (*Good Adv.* p. 50.) we have not found the Royal Faith

Faith so sacred and inviolable in other instances, as to rob our selves of a Legal defence and protection, for to depend upon the precarious one of a bare promise, which his *Ghostly* Fathers, whensoever they find it convenient, will tell him it was unlawful to make, and which he can have a Dispensation for the breaking of, at what time he pleaseth. Nor do we remember, that when he pledged his Faith unto us, in so many Promises, that the parting with our Laws was declared to be the condition, upon which he made, and undertook to perform them. Neither can any have the confidence to alledge it, without having recourse to the Papal Doctrine of *Mental Reservation*. Which being one of the Principles of that Order, under whose conduct he is, makes us justly afraid to rely upon his word without further Security. However, we do hereby see, with what little sincerity Mr. Pen Writes: and what small regard he hath to His Majesty's honour, when he tells the Church of England, *That if She please* and like the terms of giving up the *Penal* and *Test* Laws against Papists, that then the King will perform his word with her. (Good Adv. p. 17.) but that otherways, it is *She who breaks with him, and not he with her*, (ib. p. 44.)

Though something may be said, for the Repealing of all *Penal Laws*, in reference to every perswasion that is called Religion, how incongruously soever it may claim that Name; yet 'tis inconsistent with the safety of all Civil Government, and a plain betraying of the Civil Liberties, as well as the established Religion in Great Britain, not to allow the precluding those from places of Trust, of whose fidelity we can have no assurance. And therefore as all that Mr. Pen hath alledged for abolishing the *Tests* is miserably silly; so he hath thereby too manifestly detected the small regard he bears to the safety of the Kingdoms and the Protestant cause, not to be suspected in every thing else which he hath more plausibly and reasonably asserted. For as all Governments have an unquestionable Right to use means whereby to preserve themselves; so 'tis not onely lawful, but expedient, that they should have *Tests*, by which it may be known, who are fit to be trusted with the Legislative and Executive power. Without this no Constitution can subsist, nor Subjects be in any security under it. Neither can any Reasons be advanced against the *Test* Laws, but what are of equal force against exacting Oaths of Allegiance, and Promises of Fidelity from those, whom the Government thinks meet to Employ. One might think, that Mr. Pen should allow as much to the *Parliament of England*, as he challengeth to himself in his Government of *Pennsylvania*. For I find, that not onely such shall be precluded from a share in the Government there, *who shall either be convicted of ill Fame and unsober Conversation, or who shall not acknowledge Jesus Christ to be the Son of God, and Saviour of the World*, (Chap. 2d. of their Constitutions and Laws) but that none shall be either cho'en into Office, or so much as admitted to choose; but who solemnly declare and promise Fidelity to William Pen and his Heirs: (Chap. 57.) This I take not onely to be equivalent unto, but something more than our *Tests* do amount unto. For whereas there may be several whom the *Quakers* may judge persons of unsober Conversation; who may be true to the Civil Interest of their Country, and willing, to the utmost of their power, to preserve the Peace, and promote the Prosperity of it; we have no ground to believe the like of *Papists*, in relation to the welfare and safety of a Protestant State. And that not onely because they acknowledge a Forraign Jurisdiction inconsistent with, and paramount to ours; but because they are obliged by the Principles of their Religion, whensoever they find themselves able, to destroy and extirpate us. I'm sure that the Motives which in 73, and 78 enforced to the Enacting of the *Test* Laws, do at this season plead more effectually for the continuing them. Nor had we so much cause then of being afraid of Popery, or to be apprehensive of having our Religion overturned by Papists, which were the Inducements to the making of those Laws, as we have ground to dread it at this time, and to be jealous of it under the present conjuncture. And the more that the *Roman Catholics*, and their Advocates press to have these Laws abolished, the more fear they excite in us of their design if they knew how to effect it, and make us the more resolved to hazard all we have to maintain them. For as no Papist is prejudiced by them in his person or property; so they are the most innocent and moderate security we can have for the preservation of our selves and of our Religion. Nor could any thing justify the Wisdom of the Nation in being without them so long, but that we were not till then suspicious of the Religion of the Regnant Prince, nor apprehensive before of the misfortune of having a Popish Successor. And whereas Mr. Pen tells us, that it were ridiculous to talk of giving liberty of Conscience, and at the same time imagine that the *Tests* ought to be continued: (Good Adv. p. 59.) We may not onely reply, that Liberty of Conscience has no Relation to Mens being admitted unto Civil Trusts, but that the same is practised in several States and Governments both Popish and Protestant, and in *Pennsylvania* it self, where



I suppose Liberty of Conscience is allowed. For as we find freedom vouchsafed to Men in matters of Religion, both in *Holland*, and in diverse Protestant States in *Germany*, without their being capable of Claiming a share in the Magistracy; so though the Protestant Religion be tolerated in *Collen*, yet it is with a preclusion of all of that Religion from Authority. Whatsoever else Mr. Pen says upon this head, is so despicably weak, that as I neither judge it worthy to be taken notice of, nor have Room to do it; so I am confident, that be his Religion what it will, which by reason of his late Papers I have more Reason to suspect than ever, he writes as much against his conscience and Judgment, as against the Pattern and Example which he hath set us in *Pensylvania*.

I confess, the Dissenters are under more temptations, than other Protestants, to wish for, and to endeavour the Abrogation of the Penal Laws. And as this makes them to be the more particularly applied unto by the Court for the promoting of it, so it renders them the more liable to be influenced by Discourses of the nature and complexion that Mr. Pen's are of. But I hope they will consider, that the preservation of the Protestant Religion to themselves, their posterity, and the Kingdom; is more valuable than a little temporal ease, and which they onely hold by the precarious tenure of the King's word. Surely they cannot be so infatuated, as to think that the Papists love them, or that they will trust them any longer, than they have occasion to use them. I would think, that it should both make them blush to find themselves coupled with *Roman Catholics* in Courts and Employments, while their fellow Protestants are shut out, and make them jealous, that they are onely made use of for some mischievous and sinister end. They can never hope to lay such a merit upon the Court, as the Church of *England* hath done; and her reward may forewarn them what they are to expect, when they have done the job that is allotted for them. His Majesties sincerity in giving liberty to *Dissenting Protestants*, may be easily guessed at, by his ordering 26 poor *Scotts Dissenters* to be sent to the *Barbadoes* for slaves; and this both since the Emitting of his First Proclamation for a Toleration, and without the having any thing objected to them, but what concerned their Consciences in matters of Religion. The Terms upon which Phanaticks are to enjoy his Majesties favour, and how long they are to expect the continuance of that mighty Grace, we have declared by himself, as they stand recorded in my Lord Melford's Letter to the *Presbyterian Ministers in Scotland*. Namely, That he intends to continue their Liberty, if he have suitable encouragement and concurrence from them in their Doctrine and Practice, and if they concur with him in removing of the Penal Laws. This is the Task that they are indulged and preferred for, and 'tis a wonder that they do not foresee that their destiny will be one and the same, in case they have once done it, as if they do it not. This is the Fountain of all his Majesties friendship to them; and the glorious assertion of its having been always his Principle, that Conscience ought not to be constrained, and that none ought to be persecuted for meer matters of Religion, is at last dwindled into this, that he will give them Liberty so long as they will concur and cooperate with him in his introducing of Popery, and till they have destroyed the Laws by which our own Religion is fenced about and defended. Certainly it is high time to consider, what this is which is exacted of them, and what hazard they not onely expose the Nation and the Gospel unto, but what guilt they derive upon themselves if they undertake and pursue it. Nor can they promote the Repealing of the Penal Laws against Papists, and the Test Statutes; without running themselves under the guilt of Perjury, and the making themselves chargeable before God, with all the blood that was shed in the War between King Charles I. and the Parliament. For as one of the Articles of the Solemn League and Covenant was, to endeavour to extirpate Popery; so the countenance and incouragement which that Prince gave to Papists, was a main ingredient in the State of the Quarrel for which they drew their Swords against him, and in the assertion whereof so many thousands lost their lives. Can they now be willing to act in direct opposition to that Covenant, which rather than renounce and disclaim the obligatory force of, many of them have suffered so much? or would they have the guilt of all the blood lye upon them, which was shed in the former long and fatal War? I'm perswaded that many, who are most forward, to pursue the Abrogation of the Tests and Penal Laws against Papists, never gave themselves leave to think what they are hurried unto. Mr. Pen tells them, he will beg them for Fools if they do it not, (*Good Advice*, p. 54.) and I dare take upon me to say, that they are most Execrable Knaves and Villains, if they do it. Is it possible they should be so deprived of all understanding, as not to perceive themselves meerly trick't upon, and made use of for Tools to promote a Design which others have the wisdom and integrity not to be instrumental in; when *Jeffreys*, who a while ago, said on the Bench, *Shew me a Fanatick*, and I will shew you a Knave, and that 'twas impossible to be a Fanatick, and not to be a Rebel; should now carels

carefs them as his Majesties best and most Loyal Subjects, and tell them, upon their being advanced to Offices, That he is glad to find honest men come to be employed, which was the Complement he lately bestowed upon Sir John Shorter. 'Tis likely they may be told, that if they will fall in with the Papists for destroying the Church of England, that they shall be secured from the Resentments of the next Heir, by having the Monarchy made dissolvable into a Republick upon his Majesties death. And this would seem to be what Mr. Pen intends, when he tells us, that such a Bargain will be driven with the Kingdom, as will make the Church of England think, that half a Loaf had been better, than no Bread; (Good Adv. p. 43.) and that one year will shew the Trick, and mightily deceive her, and the opportunity of her being preserved lost, and another Bargain driven mightily to her disadvantage, (Ibid. p. 42.) But as it will be impossible for Papists and Dissenters, should they conspire together, to be able to effect it, considering the interest which her integrity in the Protestant Religion, and her tenderness for the Rights and Liberties of the Kingdoms, have justly acquired unto her; so it were both the most foolish, as well as criminal thing, which any, pretending themselves Protestants, can be guilty of, to be in any measure accessory unto it. For as there is nothing in reference to their own Religious Liberties, and the Priviledges of the Nation, which they may not undoubtedly expect, from her Justice as well as from her Mercy and Moderation; so there is no means left within our view, either to give a lasting Peace and a firm settlement to Three distracted Kingdoms, or to bring the Protestant Interest into such a condition, as may ballance the Papal grandure in Europe, and give check to the rage of Persecution in all places, but her happy advancement to the Thrones of Great Britain and Ireland, when it shall please God to remove his Majesty. Until which time, I hope all who call themselves Protestants, will submit to the worst of fate, rather than to fall under the Curse of this Age, and Ignominy, with all that shall come after, for becoming an United Party with the Church of Rome, in any of her Designs, how plausible soever they may appear.

The Ill Effects of Animosities.

**T**IS long since the Court of England, under the Authority of the late King and his Brother, was embark'd in a design of subverting the Protestant Religion, and of introducing and establishing Popery. For the two Royal Brothers being in the time of their Exile seduced by the Caresses and Importunities of their Mother, allured by the Promises and Favours of Popish Princes, and being wheedled by the Crafts and Arts of Priests and Jesuites, who are cunning to deceive, and know how to prevail upon persons that were but weakly established in the Doctrine, and wholly strangers to the practice and power of the Religion they were tempted from; they not only abjured the Reformed Religion, and became reconciled to the Church of Rome; but by their Example, and the Influence which they had over those that depended upon them, both for present Subsistence, and future Hopes, they drew many that accompanied them in their Banishment, to renounce the Doctrine, Worship, and Communion of the Church of England, though in the War between Charles the First and the Parliament, they had pretended to fight for them in equal conjunction with the Prerogatives of the Crown. So that upon the Restoration in the year 1660, they were not only moulded and prepared themselves for promoting the desires of the Pope and his Emissaries, but they were furnished with a stock of Gentlemen, out of whom they might have a supply of Instruments, both in Parliament and elsewhere, to co-operate with and under them in the methods that should be judged most proper and subservient to the Extirpation of Protestantism, and the bringing the Nation again into a Servitude to the Triple Crown. And besides the Obligations that the Principles of the Religion to which they had revolted, laid them under for eradicating the established Doctrine and Worship, they had bound themselves unto it, by all the Promises and Oaths which persons are capable of having prescribed unto, and exacted of them.

Nor can any now disbelieve his late Majesty's having lived and died a Papist, who hath either heard what he both said and did, when under the prospect of approaching Death, and past hope of acting a part any longer on the present Stage, or who have seen and read the two Papers left in his Closet, which have been since published to the World, and attested for Authentick by the present King. And had we been so just to our selves, as to have examined the whole course of his Reign, both in his Alliances Abroad, and his most Important Counsels and Actions at Home; or had we hearkened to the Reports of those who knew him at Colen and in Flanders, we had been long ago convinced of what Religion he was. Nor were his many repeated

ed Protestations of his Zeal for Protestantism, but in order to delude the Nation, till insensibly as to us, and with safety to himself, he had overturned the Religion which he pretended to own, and had introduced that which he inveighed against. And while with the highest asseverations he disclaimed the being what he really was, and with most sacred and tremendous Oaths, professed the being what he was not, his Religion might in the mean time have been traced through all the signal Occurrences of his Government, and have been discerned, written in Capital Letters, through all the material Affairs wherein he was engaged, from the Day he ascended the Throne, till the Hour he left the World. His entering into two Wars against the *Dutch*, without any provocation on their part, or ground on his, save their being a Protestant State; his being not only conscious unto, but interposing his Commands, as well as Encouragements for the burning of *London*. His concurrence in all the parts of the Popish Plot, except that which the Jesuites, with a few others, were involved in against himself, his stifling that Conspiracy, and delivering the Roman Catholics from the Dangers into which it had cast them. His being the Author of so many forged Plots, which he caused to be charged on Protestants. His constant Confederacies with *France*, to the disobliging his people; the betraying of *Europe*; the neglect of the reformed in that Kingdom, and the encouraging the Design carried on against them for their Extirpation. His entailing the Duke of *York* upon the Nation, contrary to the Desires and Endeavours of three several Parliaments, and that not out of Love to his person, but Affection to Popery, which he knew that Gentleman would introduce and establish. All these, besides many other things which might be named, were sufficient Evidences of the late King's Religion, and of the Design he was engaged in for the Subversion of Ours. So that it would fill a sober person with amazement, to think, that after all this, there should be so many sincere Protestants and true English Men, who not only believed the late King to be of the reformed Religion, but with an insatiableness thirsted after the Blood of those that durst otherwise represent him. And had it not been for his receiving Absolution and Extream Unction from a Popish Priest at his Death; and for what he left in writing in the two Papers found in his *strong Box*, he would have still passed for a Prince who had lived and died a cordial and zealous Protestant, and whoseever had muttered any thing to the contrary, would have been branded for a Villain and an execrable person. But with what a scent and odor must it recommend his Memory to them, to consider his having not onely lived and died in the Communion of the Church of *Rome*, in contradiction to all his publick Speeches, solemn Declarations, and highest Asseverations to his People in Parliament; but his participating, from time to time, of the Sacrament, as Administred in the Church of *England*, while, in the interim, he had Abjured our Religion, stood reconciled to the Church of *Rome*, and had obliged himself by most sacred Vows, and was endeavouring, by all the Frauds and Arts imaginable, to subvert the established Doctrin and Worship, and set up Heresy and Idolatry in their room. And it must needs give them an abhorrent Idea and Character of Popery, and a loathsome representation of those trusted with the Conduct and Guidance of the Consciences of Men in the Roman Communion, that they should not onely dispense with, and indulge such Crimes and Villanies, but proclaim them Sanctified and Meritorious from the end which they are calculated for, and levelled at.

And for his dear Brother, and renowned Successor, who possessed the Throne after him. I suppose his most partial Admirers, who took him for a Prince, not onely merciful in his Temper, and imbued with all gracious Inclinations to our Laws, and the Rights of the Subject, but for one Orthodox in his Religion, and who would prove a zealous Defender of the Doctrine, Worship and Discipline of the Church established by Law, are before this time both undeceived, and filled with Resentments for his having abused their Credulity, deceived their Expectations, and reproached all their Gloryings and Boastings of him. For as it would have been the greatest Affront they could have put upon the King, to question his being of the Roman Communion, or to detract from his Zeal for the introduction of Popery, notwithstanding his own antecedent Protestations, as well as the many Statutes in force for the preservation of the Reformed Religion; so I must take the liberty to tell them, that his Apostacy is not of so late Date as the World is made commonly to believe. For though it was many Years concealed, and the contrary pretended and dissembled; yet it is most certain, that he Abjured the Protestant Religion, soon after the Exilement of the Royal Family, and was reconciled to the Romish Church at *St. Germain's in France*. Nor were several of the then suffering Bishops and Clergy ignorant of this, though they had neither the Integrity nor Courage to give the Nation and Church warning of it. And within these five Years there was in the custody of a very worthy and honest Gentleman, a Letter written to the late Bishop of *D.*  
by



by a Doctor of Divinity then attending upon the Royal Brothers, wherein the Apostacy of the then Duke of York to the See of Rome is particularly related, and an Account given, how much the Dutcheſs of Tremoville (though without being her ſelf, obſerved) had heard the Queen Mother glorying of it, bewailed it as a diſhonour unto the Royal Family, and as that which might prove of pernicious conſequence to the Proteſtant Intereſt. But though the old Queen privately rejoiced and triumphed in it, yet ſhe knew too well what diſadvantage it might be, both to her Son, and to the Papal Cauſe in Great Britain, to have it at that Season communicated and divulged. Thereupon it remained a Secret for many Years, and by virtue of a Diſpenſation, he ſometimes joined in all Ordinances with thoſe of the Proteſtant Communion. But for all the Art, Hypocriſy and Sacrilege, by which it was endeavoured to be concealed, it might have been eaſily diſcerned, as manifeſting it ſelf in the whole Courſe of his Actions. And at laſt his own Zeal, the Importunity of the Priests, and the Cunning of the late King, prevailing over Reaſons of State, he withdrew from all Acts of Fellowſhip with the Church of England. But neither that, nor his reſuſing the Teſt enjoyed by Law, for diſtinguiſhing Papiſts from Proteſtants, though thereupon he was forced, both to reſign his Office of Lord High Admiral, &c. nor his declining the Oath which the Laws of Scotland, for the ſecuring a Proteſtant Government, enjoyn to be taken by the High Commiſſioner; nor yet ſo many Parliaments having endeavoured to get him Excluded from Succeſſion to the Crown, upon the account of having revolted to the See of Rome, and thereby become dangerous to the Eſtabliſhed Religion, could make impreſſion upon a wilfully deluded and obſtinate ſort of Proteſtants, but in defiance of all means of Conviction, they would perſwade themſelves, that he was ſtill a Zealot for our Religion, and a grand Patriot of the Church of England. Nor could any thing undeceive them, till upon his Brother's Death he had openly declared himſelf a Roman Catholick, and afterwards in the ſumes and raptures of his Victory over the late Duke of Monmouth, had diſcovered and proclaimed his Intentions of overthrowing both our Religion and Laws. Yea ſo cloſely had ſome ſealed up their Eyes againſt all beams of Light, and hardened themſelves againſt all Evidences from Reaſon and Fact, that had it pleaſed the Almighty God to have proſpered the Duke of Monmouth's Arms in the Summer 85. the preſent King would have gone off the Stage with the Reputation among them, of a Prince tender of the Laws of the Kingdom; and who, notwithstanding his own being a Papiſt, would have preſerved the Reformed Religion, and have maintained the Church of England in all her Grandure and Rights. And though his whole Life had been but one continued Conſpiracy againſt our Civil Liberties and Priviledges, he had left the Throne with the Character, and under the Eſteem of a Gentleman; that in the whole courſe of his Government would have regulated himſelf by the Rules of the Conſtitution, and the Statutes of the Realm.

Now among all the Methods fallen upon by the Royal Brothers, for the undermining and ſubverting our Religion and Laws, there is none that they have purſued with more Ardor, and wherein they have been more ſucceſſful to the compaſſing of their Deſigns, than in their dividing Proteſtants, and alienating their Affections, and embittering their Minds from and againſt one another. And had not this lain under their proſpect, and the means of effecting it appeared eaſie, they might have been Papiſts themſelves, while in the mean time they had been diſpenſed with to proteſt and ſwear their being of the Reformed Religion, and they might have envied our Liberties, and bewailed their Reſtriction from Arbitrary and Deſpotic Power; but they never durſt have entertained a Thought of ſubverting the Eſtabliſhed Religion, or of altering the Civil Government, nor would they ever have had the boldneſs to have attempted the introducing and erecting Popery and Tyranny in their room. And whoſoever ſhould have put them upon reducing the Nation to the Church of Rome, or upon rendring the Monarchy unlimited and independent on the Law, would have been thought to have laid a Snare for expoſing the Papiſts to greater Severities than they were obnoxious unto before, and to have projected the robbing the Crown of the Prerogatives which belong unto it by the Rules of the Conſtitution, and to which it was ſo lately reſtored. And the deſpair of ſucceeding, would have rendred the Royal Brothers deaf to all Importunities from Romiſh Emiſſaries, and Court Minions. Neither the Promiſes and Oaths which they had made and taken beyond Sea to introduce Popery, nor their Ambition to advance themſelves beyond the reſtraint of Laws, and the Controul of Parliaments, would have prevailed upon them to have encountered the Hazards and Difficulties, which in caſe of the Union of Engliſh Proteſtants, muſt have attended and enſued upon Attempts and Endeavours of the one kind and of the other. Or ſhould their beloved Popery, and their own Bigottedneſs in the Romiſh Superſtition, have ſo far tranſpor-

transported them beyond the bounds of Wisdom and Discretion, as to have appeared possessed with an Intention of subverting the *Protestant Religion*, and of enslaving the Nation to the Superstition and Idolatry of *Rome*, they would have been made soon to understand, That the Laws which make it Treason to own the Jurisdiction of the Pope, or to seduce the meanest Subject to the Church of *Rome*, were not enacted in vain, and that those, as well as many more, made for the Security of the *Protestant Religion*, and to prevent the growth and introduction of *Papery*, were not to be dallied and plaid withal. Or, should they have been so far infatuated and abandoned of all Understanding, as out of a foolish and haughty Affectation of being Absolute, to have attempted the Alteration of the Civil Government, they would have been immediately and unanimously told, That the People have the same Right to their Liberties, that the King hath to the Prerogatives of the Crown. And if they would not have been contented with what belongs unto the Prince, by the Common and Statute-Laws of the Realm, but had invaded the Priviledges reserved unto the Subject: they would have been made to know, that they might not onely be withstood, in what they strove to Usurp, contrary to *Magna Charta*, the *Petition of Right*, and other Laws of the Kingdom, but that thereby they forfeited, and might be disseized of what either appertained unto the Crown by fundamental Agreements, or hath been since settled upon the Monarch by Statute-Laws. Nor could any thing have emboldened his late Majesty and the present King to Enterprizes of the one kind or the other, but the prospect of begetting a Misunderstanding, Jealousie, and Rancor among *Protestants*, and thereby both of making them instrumental to the ruin of one another, and contributory to the loss of *English Liberty* and the *Reformed Religion*, which they equally value and esteem, and to the setting up *Papery* and *Tyranny*, which the one detesteth and abhorreth no less than the other.

Though all *English Protestants* have ever been at an Accord in all the Essentials and Vitals of Religion, yet from the very beginning of the Reformation, there have been Differences among them concerning Ecclesiastical Government and Discipline, and about Forms, Rites, and Ceremonies of Worship. And had they consulted either their Duty to God, or the common Interest of Religion, they might have found ways either for removing the occasions of them, or they ought to have lived together as Brethren, notwithstanding the differences which were among them in those things. But how much wiser are the Children of this World, than those of the Kingdom of God and of *Jesus Christ*? For though the differences among the *Papists* do far exceed ours, both in their number, and in the Importance of those things wherein they disagree, yet they do mutually tolerate and bear with one another. The matters wherein they differ are neither made the Terms of their Church-Communion, nor the Grounds of mutual Excommunications and Persecutions.

But alas, one Party among us hath been always endeavouring to cut or stretch others to their own Size, and have made those things which themselves stile Indifferent, both the Qualifications for admission to the *Pastoral Office*, and the Conditions of Fellowship in the Ordinances of the Gospel. Nor is it to be expressed, what Advantages were hereby administred all along to the Common Enemy; and what Sufferings peaceable and orthodox Christians were exposed unto from their peevish and angry Brethren. And though these Things, with the Heats begotten among all, and the Calamities undergone by one side, were not the cause of that funestous War betwixt *Charles* the First and the *Parliament*, yet they were an occasion of diverting Thousands from the side which the Persecuting Church-men espoused, and engaging them in the behalf of the *two Houses*, in the Quarrel which they begun and carried on against that *Prince*, for defence of the Civil Liberties, Priviledges and Rights of the People. but some of the Mitred Clergy were so far from being made wise by their own and the Nations Sufferings, as upon their *Restoration* to hearken to moderate Countels, and to decline their former Rigours and Severities, that they became the Tools and Instruments of the Court, not onely for reviving, but for heightning and enflaming all the Differences which had formerly been among *English Protestants*. For the *Royal Brothers* finding nothing more adapted and subservient than this, to their Design of altering the Government, and subverting Religion, they animated those waspish and impolitick Ecclesiasticks, not onely to pursue the *Restoration* of all those things which had given rise and occasion to former *Dissensions* and *Persecutions*, but to lay new Snares for alienating many persons of unspotted lives and tender Consciences, from the Church, and of rendring them obnoxious to suffer in their Names, Persons and Estates. And what a satisfaction was it to the late King and his Brother, to find the old Episcopal Clergy prepared through Principles of revenge, as well as from Love of Domination, Ambition and Covetousness, to fall in with the Design, not onely of Increasing Di-

vissions among Protestants, both by making the Conditions of entring upon the Pastoral Function narrower, and for screwing Conformity with the Church in her Forms and Ceremonies of Worship, into Tests, for admission to Magistracy and Civil Trusts, but of obtaining several Laws against Dissenters, whereby the Penalties to which they foresaw that People would become liable, were rendered greater than they had been before, and their Sufferings made more merciless, inhumane and intolerable.

For though his late Majesty had, by a Declaration dated at *Breda*, promised Indulgence to all Protestants that would live peaceably under the Civil Government; yet it was never in his Thoughts to perform it; and the previous Obligations which he was under to the Church of *Rome*, had a virtue to supersede and cancel his Engagements to *English* Hereticks. And all he intended by that Declaration was onely to wheedle and lull those into a tameness of admitting his Return into his Dominions, whom a jealousy of being afterwards persecuted for their Consciences, might have awakened to withstand and dispute it. And, to give him his due, he never judged himself longer bound to the observation of Promises and Oaths made to his People, than, until without hazard to his Person and Government, he could violate and break them. Accordingly he was no sooner seated in the Throne of his Ancestors, and those whom he had been apprehensive of Resistance and Disturbance from, put out of Capacity and Condition of attempting any thing against him; but he thought himself discharged from every thing that the Royal Word and Faith of a Prince had been pledged and bound to stake for in that Declaration, and from that day forward acted in direct opposition to all the Parts and Branches of it. For having soon after his Return obtained a Parliament moulded and adapted, both to his Arbitrary and *Papish* Ends, he immediately set all his Instruments at work for the procuring of such Laws to be Enacted, as might divide and weaken Protestants, and thereby make us, not onely the more easie Prey to the *Papists*, but afford them an advantage through our Scuffles, of undermining our Religion with the less notice and observation.

How such persons came to be chosen, and to constitute the Majority of the House of Commons, who by their Actings have made themselves Infamous and Execrable to all Ages, were a matter too large to penetrate at present into the Reasons of; but that which my Theme conducts me to observe, is, That as they sacrificed the Treasure of the Nation to the profuseness and prodigality of the *Prince*, and our Rights and Liberties to his Ambition and Arbitrary Will, so they both introduced and established those Things which have been a means of dividing us; and by many severe and repeated Laws, they subjected a great number of industrious English-men and true Protestants, to Excommunications, Imprisonments, rigorous and multiplied Fines, and all this for Matters onely relating to their Consciences, and for their Obedience to God in the Ordinances of his Worship and House. And notwithstanding the late King's often pretended compassion to the Dissenters, it will be hard to discern them, unless in Effects which proceed from very different and opposite Principles. The distance which he kept them from his Person and Favour; the influencing these Members of both Houses that depended upon him, to be the Authors and Promoters of Severities against them; the enjoying so often the Judges and Justices of Peace to execute the Laws upon them in their utmost rigour; the instigating the Bishops and Ecclesiastical Courts, if at any time they relented in their Prosecutions, to pursue them with fresh Citations and Censures; the arraigning them, not onely upon the Statutes made intentionally against Dissenters, but upon those that were originally and solely enacted against the *Papists*; these, and other Procedures of that Nature, are the onely Proofs and Evidences which I can find, of the late King's Bowels, Pity and Tendereness to them. And whereas the weak Church-men were imposed upon to believe, that all the Severity against the Nonconformists, was the Fruit of his Zeal for the Protestant Religion, and for the security of the Worship and Discipline established by Law; they might have easily discovered, if Passion, Prejudice, Wealth and Honour had not blinded them, that all this was calculated for Ends perfectly destructive to the Church, and inconsistent with the Safety and Happiness of all Protestants. For as his seeking oftner than once to have wriggled himself into a Power of superseding and dispensing with those Laws and suspending their Execution, plainly shews, that he never intended the support and preservation of the Church by them; so his non-execution of the Laws against *Papists*; his conniving at their encrease; his persuading those nearest unto him to reconcile themselves to the See of *Rome*, as he did, among others, the late D. of *Monmouth*; his countenancing the *Roman Catholics* in their open and intolerable Insolencies; and his advancing them to the most gainful and Important Places and trusts, sufficiently declare, that he never had any love to Protestants, or care of the Reformed Religion; but that all his designs were of a contrary tendency,



and his fairest Pretences for the Protection and Grandure of the Church of *England*, adapted to other ends.

Thus the *Royal Brothers* having obtained such *Laws* to be enacted, whereby one Party of *Protestants* was armed with means of oppressing and persecuting all others, neither the necessity of their Affairs at any time since, nor the Application and Interposure of several Parliaments for removing the Grounds of our Differences and Animosities, by an Indulgence, to be past into a *Law*, could prevail, either upon his late Majesty, or the present King, to forgoe the Advantage they had gotten of Keeping us in mutual Enmity, and thereby of ministring to their projection of supplanting our Religion, and re-establishing the Faith and Worship of the Church of *Rome*. Hereupon the last King, not onely refused to consent to such Bills as diverse late *Parliaments* had prepared for indulging Dissenters, and for bringing them into an union of Counsels, and Conjunction of Interest with those of the Church of *England*, for resisting the Conspiracies of the *Papists* against our Legal Government and Established Religion; but he rejected an Address for suspending the Execution of the *Penal Laws* against Dissenters, which was offered and presented unto him by that very *Parliament* which had framed and enacted those cruel and hard *Laws*.

And as the *Royal Brothers* have made it their constant Business to cherish a Division and Rancour among *Protestants*, and to provoke one Party to persecute and ruine another; so nothing could more naturally fall in with the Design of Arbitrariness, or be more subservient to the betraying the Nation to *Papal Idolatry* and Jurisdiction. For several *Penal Laws* against a considerable Body of People, do either expose them against whom they are enacted, to be destroyed by the Prince, with whom the executive Power of the *Law* is trusted and deposited; or they prove a Temptation to such as are obnoxious of resigning themselves in such a manner to the Will and Pleasure of the Monarch, for the obtaining his connivance at their violation of the *Laws*, as is unsafe and dangerous for the common Liberty and Good of the Kingdom. For in case the Supreme Magistrate pursue an Interest distinct from, and destructive to that of his People, they who the *Law* hath made liable to be oppressed, are brought under Inducements of becoming so many *Partisans* for abetting him in his Designs, in hopes of being thereupon protected from the *Penal Strainer*, the execution whereof is committed to him. And as it is not agreeable to the Wisdom and Prudence which ought to be among Men, nor to the Mercy and Compassion which should be among Christians, for one party to surrender another into the Hands and Power of the Sovereign, to be impoverished and ruined by him at his pleasure, especially when those whom they give up to be thus treated and entertained, are at agreement with them in all the Essentials of Religion, equally zealous as themselves for the Liberties of their Country; and who, for Sobriety in their Lives, Industry in their Callings, and Usefulness in the Common-Wealth, are inferior to none of their Fellow-Subjects: So it is obvious to any, who give themselves leave to think, that the King would long ere this have been stated in the Absoluteness that is aspired after, and both Church and State reduced to lie at the discretion of the Monarch, provided the Nonconformists, for procuring his Favour in non-execution of the *Laws*, had suffered themselves to be prevailed upon, and drawn over to stand by and assist him in his *Popish* and Despotical Designs.

But that honest people, though hated and maligned by their Brethren, rather than be found aiding the King in his Usurpations over the Kingdom, have chosen to undergoe the utmost Calamities they could be made subject unto, either through the Execution of those *Laws* which had been made against them, or through our Princes and their Ministers wrecking their Malice upon them in Arbitrary and Illegal Methods. But what the *Royal Brothers* could not work the afflicted and persecuted Side unto, they found the Art to engage the other Side in, though not onely excepted from all Obnoxiousness to those *Laws*, but strengthened and supported by them. For as soon as the Court begun to despair of prevailing upon Dissenters to become their Tools and Instruments of enslaving the Nation, and of exalting the Monarchy to a Despotical Absoluteness, they applied to the Bigots of the Church of *England*, whom by gratifying with a vigorous Execution of the *Laws* upon Dissenters, they brought to abett, applaud and justifie them in all those Counsels and Ways which have reduced us into that miserable condition wherein we not long since were. The Clergy being advanced to Grandure and Opulency, things which many of them are fonder of, and lother to foregoe than Religion and the Rights of the Nation, the Court made it their business to possess them with a Belief, that unless the Fanaticks were suppressed and ruined, they could not enjoy with Security their Dignities and Wealth. Whereupon not onely the lesser Levites, but the Superior

Superior Clergy having their Lesson and Cue given them from *White-hall* and St. *James's*, fell upon pursuing the Nonconformists with Ecclesiastical Punishments, and upon exciting and animating the Civil Officers against them. And under pretence of preserving and defending the Church. they gave themselves over to an implicit serving of the Court, and became not onely Advocates but Instruments for the robbing of *Corporations* of their Charters, for imposing Sheriffs upon the City of *London* who had not been legally elected, and of fining and punishing Men arbitrarily for no Crime, save the having asserted their own and the Nations Rights in modest and lawful ways. Posterity will hardly believe that so many of the Prelatical Clergy, and so great a number of Members of the Church of *England*, should from an Enmity unto, and pretended Jealousie of the Dissenters, have become Tools under the late King for justifying the Dissolution of so many Parliaments, the Invasion made upon their Priviledges, the ridiculing and stifling of the Popish Plot, the shamming of forged Conspiracies upon Protestants, the condemning several to Death for High-Treason, who could be rendred guilty by the Transgression of no known Law, and finally for advancing a Gentleman to the Throne, who had been engaged in a Conjuraton against Religion and the Legal Government, and whom three several Parliaments would have therefore Excluded from the Right of Succession. And being seduced into an espousal of the Interests of the Court against Religion, Parliaments and the Nation, it is doleful to consider what Doctrines both from Pulpit and Press were thereupon brought forth and divulged. Such as *Monarchy's* being a Government by Divine Right; That it is in the Prince's Power to Rule as he pleaseth; That it is a Grace and Condescension in the King to give an Account of what he does; That for Parliaments to direct, or regulate the Succession, borders upon Treason, and is an Offence against the Law of Nature; And that the onely thing left to Subjects, in case the King will Tyrannize over their Consciences, Persons and Estates, is tamely to suffer, and as some of them did absurdly expresse it, to exercise Passive Obedience. So that by corrupting the Minds and Consciences of men with those pestilent and slavish Notions, they betrayed the Nation, both to the Mischiefs which have alrerdly overtaken us, and to what further we were threatned with. Nor did these Doctrines tend meerly to the fettering and enfeebling the Spirits of Men, but they were a Temptation to the Royal Brothers to put in Execution what they had been so long contriving, and travelling with, and were a kind of reprimanding them for being ignorant of their own Right and Power, and for not exerting it with that Vigour and Expedition which they might. I do acknowledge that there were many both of the Sacred Order, and of the Laick Communion of the Church of *England*, who were far from being infected with those brutish Sentiments and Opinions, and who were as zealous as any for having the Monarchy kept within its ancient limits; Parliaments maintained in their wonted Reverence and Authority; the Subjects preserved in the enjoyment of their immemorial Priviledges; and who were far from sacrificing our Religion and Laws to Popery and Arbitrariness, and from lulling us into a Tameness and Lethargy, in case the Court should attempt the abolishing the established Doctrine and Worship, and the subverting and changing the Civil Government. But alas! besides their being immediately branded with the Name of *Trimmer* and conformable *Fanaticks*, and registred in the Kalender with those that stood precluded the King's Favour, and merited his Animadversion; their Modesty was soon drowned and silenced in the loud Noise of their clamorous Brethren, and their retiredness from Conversation, while the others frequented all places of Society and publick Concourse, deprived the Nation of the benefit of their Example, and the happiness of their Instructions. Nor have I mentioned the Extravagancies of any of the Ecclesiasticks and Members of the Church of *England*, with a design either of reproaching and upbraiding them, or of provoking and exasperating the Dissenters to Resentments, but onely to shew how fatal our Divisions have been unto us, what excesses they have occasioned our being hurried and transported into, and what mischievous Improvement our Enemies have made of them, to the supplanting and almost subverting of all that is valuable unto us, as we are English-men, Christians and Protestants.

And as our Animosities, through our Divisions, gave the Court an advantage of suborning that Party, which they pretended to befriend and uphold, into a Ministration to all their Counsels, and Projections against our Religion and Laws; so by reason of the unnatural Heats wherewith Protestants have been enflamed and enraged against Protestants, many weak, ungrounded, and unstable Souls, have been tempted to question the Truth of our Religion, and to Apostatize to the Church of *Rome*,  
and

and thereupon have become united in Inclination, Power and Endeavours with the Court, and our old Enemies the *Papists*, for the Extirpation of Protestantism, and the alteration of the Government. As it hath been matter of Offence and Scandal to all Men, so it hath been ground of stumbling and falling unto many, to see those who are professedly of the same Religion, to be mutually embittered against one another, and so far transported with Malice and Rage, as to seek and pursue each others Destruction. For such a Carriage and Behaviour are so contrary to the Spirit and Principles of Christianity, and to the Genius and Temper of True Religion, that it is no marvel if persons ignorant of the Holy Scriptures, and strangers to the converting and comforting Virtue of the Doctrine of the Gospel asserted in our Confessions, and insisted upon by our Divines, should suspect the Orthodoxy of that Religion which is accompanied with so bitter Fruits, even in the Dispensers of the Word as well as in others, and betake themselves to the Communion of that Church, where how many and important soever their Differences be one with another, yet they do not break forth into those Flames of Excommunicating and Persecuting each other, that ours have done. How have some among us, through having their Spirits fretted and exasperated by the craft and cunning of our Enemies, not onely loaded and stigmatized their Brethren and fellow Protestants with Crimes and Names, which, were they true, and deserved, would justly render us a loathing and an Abomination to Mankind, but having Libelled and Branded those whom God had honoured to be Instruments of the Reformation, with Appellations and Characters fit to beget a Detestation of their Doctrine as well as their Memory. The worst that the *Papists* have forged and vomited out against *Luther*, *Zwingle*, *Calvin*, &c. hath been raked up and repeated, to the disparagement of the Reformation, and to the scandalizing the Minds of weak Men against it. And as the *Jesuites* and *Priests* have improved those Slanders and Calumnies to the seduction of diverse from the Church of *England*, and to a working them over to a Reconciliation with the Church of *Rome*; so the Court hath thereby had an increase of their Faction and Party against our Religion and Liberties, and have been enabled to muster Troops of *Janisaries* for their Despotical and Unlimited Claim.

Nor have our Divisions, with the Heats, Animosities, Revilings and Persecutions that have ensued thereupon, proved onely an occasion of the Seduction of several from our Religion, and of their Apostacy to *Papery*, but they have been a main spring and source of the Debauchery, Irreligion and Atheism, which have over-spread the Nation, and have brought so many both to an indifferency and unconcernedness for the Gospel, and all that is virtuous and noble, and have disposed them to fall in with those that could countenance and protect them in their Impiety and Prophaneness, and feed their Luxury and Pride with Honour and Gain. What a woful Scheme of Religion have we afforded the World! and how shamefully have we painted forth and represented the Holy Doctrine of the blessed *Jesús*, while we have not onely lived in a direct opposition to all the Commands of Meekness, Love and mutual Forbearance which our Religion lays us under the Authority of, but have neglected to practise good Manners, to observe the Rules of Civility, to treat one another with common Humanity, and to do as we would be done unto? while we have been more offended at what seemed to supplant our Dominations and Grandeurs, than at what dishonoured God and reproached the Gospel; while we weighed not so much whether they whom we took into our Sacred Communion, as well as into our personal Friendship, were conformable in their Lives to the Scripture, as whether they complied with the Canons of the Church, while we reprobated all that were not of our way, though never so virtuous and devout, and Sainted all that were, though never so wicked and prophane; while we branded such for Fanaticks, whom we could justly charge with nothing, save the not admitting that into Religion, which came not from the Divine Author of it; and hugged those for good and Orthodox Believers, that would sooner consult the Statute-Book for their Practice in the Worship of God, than the Bible; while we haled those to Prison, and spoiled them of their Estates, to whom nothing could be objected, except their being too precise and consciencious, in avoiding that, through fear and apprehension of sinning, which others had a liberty and latitude to do, as judging it lawful; and in the mean time esteemed those worthy of the chiefest Trusts in the Church and Common-wealth, whose Folly and Villanies made them unfit for Civil Societies; while they who lived most agreeably to the Laws of God, and the Example of *Christ*, were persecuted as Enemies to Religion; and the Pests of the Kingdom, and, in the interim, too many of the very Clergy were not onely Countenancers of the most Profligate Persons, as their best Friends, but joined and assisted in scandalous Debaucheries, under pretence of sustaining the Honour of their Tribe,



Tribe, and doing Service to the Church. I say, while these were the unhappy, but too obvious Fruits of our Divisions, and of the bitter Heats that accompanied them, how was the Reverence for the Sacred Order lessened and diminished, the Veneration for Religion weakned and lost, the Shame and Dread of appearing prophane and wicked, removed and banished; and such who took the measures of Christianity from the Practices of those that were stiled Christians, rather than from the immaculate and holy Scriptures, tempted to think all Religion a Juggle, and Priesthood but an Artifice and Craft to compass Honour and Wealth. And though nothing but a shortness of Understanding, and an immoderate Love to their Lusts, could occasion the drawing such a Conclusion from the foregoing Premises, yet I must needs grant that there was too just a ground administred unto them of saying, that many did not believe that themselves, the Faith whereof they recommended to others. But that which I would more particularly observe is, that it is from among those, who by the foregoing occasions have been tempted to Debauchery and Irreligion, that the *Romish* Emisaries have made the Harvest of Profelytes and Converts to the Church of *Rome*. For as they who fear not God, will be easily brought to imitate *Caesar*; and such who are of no Religion, will in subserviency to Secular Ends, assume the Mask and Profession of any: So Popery is extremely adapted to the Wishes and Desires of wicked and profane Men, in that it provides for their living as enormously as they please here, and flatters them with hopes and assurances of Blessedness hereafter. They who can be ascertained of going to Heaven upon their confessing their Sins to a Priest, and their receiving Absolution, the Eucharist and Extream Unction, need not look after Repentance towards God, Conversion to Holiness, nor a Life of Faith, Love, Mortification and Obedience, which the Protestant Religion, upon the Authority of the Gospel, obligeth them unto, in order to the obtaining of Eternal Happiness. And as the late Apostates to Popery in *England*, are chiefly such who were notorious for Looseness, Prophaneness and Immorality, and were the Scandal of our Religion while they professed it; and while in our Church, were not properly of it: So it is from among Men of this stamp and character, that their late Majesties have found Persons assisting and subservient to their Despotical and Arbitrary Designs. For whosoever takes a Survey of the Court-Faction, and considereth who have been the Advocates for Encroachments upon our Liberties, and Abettors of Usurpations over our Rights, they will find them to have been principally the profligate and debauched among the Nobility and Gentry, the mercenary, ignorant and scandalous among the Clergy, the Off-scouring and such as are an Ignominy to Human Nature among the Teomanry and Peasants. And it was in order to this villanous End, that the Royal Brothers have endeavoured so industriously to debauch the Nation, and have made Sensuality and Prophaneness the Qualifications for Preferment, and the Badges of Loyalty. And if among those that appear for the Preservation of the Liberties of their Country, there be any that deserve to be stiled Enemies to Religion and Vertue, as I dare affirm that they owe their Immoralities to Court-Education, Converſe and Example; so I hope that though they have not hitherto been all of them so happy as to have left their Vices where they learned them, yet that they will not continue to disparage the good Cause which they have espoused with an unfutable Life, nor give their Adversaries reason to say, that while they pretend to seek the Reformation of the State, they are both the Deriders of Sobriety and Vertue, without which no Constitution can long subsist, and guilty of such horrid Oaths, Cursing, Imprecations, Blasphemies and uncleannesses, which naturally, as well as morally and meritoriously, dispose Nations to Subversion and Extirpation.

Finally, Being through the bitter Effects which have ensued upon our Divisions, made apprehensive and jealous one of another, it hath from thence come to pass, that while the Care of the Conformists hath been to watch against the growth of the Dissenters, and the sollicitude of the Nonconformists hath been, how to prevent the Rage of the bigotted Church-men, the Papists, in the mean time, without being heeded or observed, have both incredibly multiplied, and made considerable Advances in their designs of ruining us. For whensoever the Court was to take a signal step towards Popery and Arbitrary Power, there was a clamour raised of some menacing Boldness of the Dissenters. And if the Nation grew at any time alarmed, by reason of the Favour shewn to the Roman Catholics, and of some visible Progress made towards the Kings becoming Despotical, all was immediately hush'd with a shout and cry of the Government and Church's being in imminent hazard from the Dissenters. Yea, whensoever the Papists and their Royal Patrons stood detected, of having been conspiring against our Religion and Civil Liberties, all was diverted and stilled, by putting the Kingdom upon a false Scent, and by hounding out their Beagles upon the Nonconformists. So

that the Eyes and Minds of Protestants being imployed in reference to what was to be apprehended and feared from one another, the working of our Popish Enemies either escaped our Observation, or were heeded by most, only with a superficial and unaffactive Glance. And while our Church-men stood prepossessed by the Court, with a dread and jealousy of the Dissenters, all that was said and written of a Conspiracy carried on by the Papists against our *Laws and Religion*, was entertained and represented by the prejudiced Clergy, as an Artifice only of the Dissenters for compassing an Indulgence from the Parliament, which in case such a Plot had obtained the belief, that a Matter of so great Danger and Consequence required, would have been easily granted being the only rational Expedient for the preservation of the established Religion and the Legal Government. Nor did our Enemies question but that having enflamed our Divisions, and raised our Animosities to so great a height, rather than the one party would lay aside their Severities, and the other let fall their Resentments, we would even be contented to lye at their Mercy, and submit our selves to the Pleasure and Discretion of the Court and Papists. And there have not wanted some peevish, foolish, and ill Men of both Parties, who rather than sacrifice their Spleen and Passion, and abandon their particular Quarrels for the Interest and Safety of the whole, have been inclined to expose the Protestant Religion and English Liberties, to the Hazards wherewith they were apparently threatned, and to suffer all Extremities, meerly to have the satisfaction of seeing those whom they respectively hate, involved with them under the same miseries. But as this was such a degree of Madness and Infatuation, as could proceed from nothing but brutish Rage, and argues no less than a Divine Nemesis; so, I hope, they are but few that now stand infected with these passionate Sentiments and Inclinations, and remain thus hardened in their mutual Prejudices. And to those I have nothing to say, nor the least Advice to administer, but shall leave them to their own Follies, as Persons to whose Conviction no Discourse, though never so rational, can be adapted, and whom only Stripes can work upon.

'Tis to such therefore as are capable of hearkning to Reason, and who are ready to embrace any Counsel that shall be found adjusted to the Common Interest, that I am to address what remains to be represented and said in the following Leaves. For all Parties of Protestants having seen how far our Enemies have improved our Divisions and Rancours, to the compassing their wicked and ambitious Designs, and the robbing us of all that good and generous Men account valuable; they are at last convinced of the necessity we have been, and are reduced unto, of altering the measures of our acting towards one another, and both of laying aside our Persecutions, and of exchanging our Wranglings among our selves, into a joint contending for the Faith of the Gospel, and the Rights of the Nation. For what the Gentleman, so lately in the Throne, intends and aims at, is not any longer matter of meer Suspicion and Jealousy, but of demonstrable Evidence and unquestionable Certainty.

His Mask and Vizard of Zeal for the preservation of the Church of *England*, and of tender regard for the Laws of the Land, were laid by and put off, and his Resolutions of governing Arbitrarily, and of introducing Popery, were become obvious to all Men, whom Reason and Sense have not forsaken and left.

The Papists, whom it was thought much, a while ago, to see connived at in the exercise of their Worship in private Houses, are allowed now to practise their Idolatry openly in our chief Towns, and in the Metropolitan City of the Kingdom to usurp the publick Churches and Cathedrals. Those Catholick Gentlemen, whom heretofore it was matter of surprise to see countenanced with the private Favour of the Prince, are now advanced to the supreme Commands in the Army, and the principal Trust in Civil Affairs. The Recusant Lords, whose enlargement out of the *Tower*, we could not but look upon as an unprecedented Violation, both of the Laws of the Land, and of the Rights and Jurisdiction of Parliament, being committed thither by the Authority of the House of Lords, upon a Charge and Impeachment of High Treason, by the Commons of *England* in Parliament assembled, were now honoured to be Members of the Privy Council, and exalted to be chief Ministers of State. They whom the Statutes of the Realm make subject to the severest Penalties for Apostacy to *Rome*, are not only protected from the edge of the Laws, but maintained in Parochial Incumbencies, and Headships of Colledges.

Our Orthodox Clergy are not only inhibited to preach against Popery, but are illegally Reprimanded, Silenced, and Suspended, for discharging that Duty which their Consciences, Offices, Oaths, and the Laws of the Kingdom oblige them unto. And such whom neither the Ecclesiastical nor *Westminster* Courts can arraign and proceed against, we have a new Court of Inquisition erected for the adjudging and punishing  
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of them. So that it is not the Dissenters who are the only Persons to be struck at and ruined, but the Conformists are to be treated after the same manner, and to share in the common Lot whereunto all honest and sincere Protestants are destined and designed. Even they who were the Darlings of *Whitehall* and *St Jameses*, and recompensed with Honours and Titles for betraying the Rights and Privileges of Corporations, persecuting Dissenters, and heading Addresses, wherein Parliaments were reproached, the Course of Justice against Popish Offenders was slandered, the illegal and arbitrary procedures of the Court applauded and justified, and all that were zealous for our Laws and Liberties stigmatized with the names of *Villains* and *Traitors*, are now themselves, for but discouraging Popish Assemblies, and attempting to put the Laws in execution against Priests who had publickly celebrated Mass, not only check'd and rebuked, but punished with Seizure and Imprisonment.

Nor are our Religion and Civil Liberties meerly supplanted and undermined by illegal Tricks, glossed over with the Varnish of judicial Forms, but they are assaulted and battered in the face of the Sun, without so much as a palliation to give their procedures a plausible figure. And the King being brought to a despair of managing the Parliament to his barefaced Purpose of Popery and Arbitrariness, and of prevailing with them to establish Tyranny and Idolatry by Law, notwithstanding their having been as industriously pack'd and chosen to answer such a Design, as Art, Bribery and Authority could reach; and notwithstanding their having been obsequious in their first Session to an excess that has proved unsafe to themselves and the Nation, he became resolved not to allow them to meet any more, but to set up *a-la-mode de France*, and to his personal Commands, seconded with the Assent of his *durante-beneplacito* Judges, to be acknowledged and obeyed for Laws. So that they who were formerly seduced into a good Opinion of him, are not only undeceived, but provoked to warm Resentments, for having had their credulity and easiness of belief so grossly abused. And as the converting so vast a number of well-meaning, but wofully deluded People, who had suffered themselves to be hoodwink'd, and fatally hurried to betray their Religion, Country and Posterity, to the Ambition and Popish Bigottry of the Court, was a design becoming the Compassion, Mercy and Wisdom of God; so the Method's and Means whereby they are come to be enlightned and proselyted, are a signal vindication of the Sapience and Righteousness of God in all those tremendous steps of his Providence, by which our Enemies have been emboldned to detect and discover themselves. For though their continuing so long to have a good opinion of the present King, and their abetting him so far in the undermining our Religion, and invading our Liberties, may seem to have proceeded not so much from their Ignorance as from their Obstinacy and Malice; yet God, who penetrates into the Hearts of Men, may have discovered some degrees of sincerity in their Pretensions and Carriages, though accompanied with a great deal of folly and unmanliness. Nor are the Lords ways like to ours, to give Persons over as unteachable and irreclaimable, upon their withstanding every measure of Light, and the resisting even those Means which were sufficient and proper for their Conviction; but he will try them by new and extraordinary Methods, and see whether Feeling and doleful Experience may not convert those, upon whom Arguments and Moral Evidence could make no impressions. And there being among those formerly misled and deluded Protestants, many who retained a Love for their Country, a Care for their Posterity, and a Zeal for the Gospel and Reformed Religion, even when their Actions imported the contrary, and seem'd to betray them; the singling and weeding out such from among the Court-Faction and Party, is a compensation both for the defeatment of all endeavours, for the prevention of the Evils that have overtaken us, and for the Distresses and Calamities under which we do at present lie and groan. And if there be joy in Heaven upon the conversion of a Sinner, with what thankfulness to God, and joy in themselves, should they who have so many years wrestled against the encroachments of Popery and Arbitrariness, and who have deeply suffered in their Names, Persons and Estates upon that account, welcome and embrace their once erring and misled, but now enlightned, reclaimed and converted Brethren? And in stead of remembering or upbraiding them with the opposition and rancour which they expressed against our Persons, Principles, and Ways,

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let there be no Language heard from us, but what may declare the joy we have in our selves for their conversion, and the entire trust and confidence which we put in them.

The first Duty incumbent therefore upon Dissenters towards those of the Church of *England*, is to believe, that notwithstanding there have been many of them so long Advocates and Partisans for the Court, through ignorance of what was aimed at and intended, they are nevertheless as really concerned as any others, and as truly zealous for the preservation of the Protestant Religion, and for maintaining the legal Rights and Liberties of the Subject, and when occasion shall offer, will approve themselves accordingly. 'Tis a ridiculous, as well as a mischievous Fancy, for one Party to confine all Religion only to themselves, or to circumscribe all the ancient English Ardor for the common Rights of the Nation, to such as are of their particular Fellowship and Perswasion, there being sincere Christians, and true Englishmen among those of all Judgments and Societies of Protestants, and among none more than those of the Communion of the Church of *England*. It were the height of Wickedness, as well as the most prodigious Folly, to imagine that the Conformists have abandoned all Fidelity to God, and cast off all care of themselves and their Country, upon a mistaken Judgment of being Loyal and Obedient to the King. The contrary is plain enough; they knew as well as any, that the giving to *Cesar* the Things that are *Cesar's*, lay them under no Obligation of surrendring unto him the Things that are God's; nor of sacrificing unto the Will of the Sovereign the Priviledges reserved unto the People by the Fundamental Rules of the Constitution, and by the Statutes of the Realm. And they understand, as well as others, that the Laws of the Land are the only measures of the Prince's Authority, and of the Subjects Fealty; and where they give him no Right to Command, they lay them under no rye to Obey. And though here and there a Dissenter has written against Popery with good Success, yet they have been mostly Conformable Divines, who have triumphed over it in elaborate Discourses, and who have beaten the Romish Scriblers off the Stage. Nor can it be thought that they who have so accurately related and vindicated the History, and asserted and defended the Doctrine of the Reformation, should either tamely relinquish, or be wanting in all due and legal Ways to uphold and maintain it. And though some few of the Non-conformists have, with sufficient strength and applause, used their Pens against Arbitrariness, in detecting the Designs of the Royal Brothers, yet they who have generally, and with greatest Honour, appeared for our Laws and Legal Government, against the Invasions and Usurpations of the Court, have been Theologues and Gentlemen of the Church of *England*. Nor in case of further Attempts for altering the Constitution, and enslaving the Nation, will they shew themselves unworthy the having descended from Ancestors, whose Motto in the high Places of the Field was, *nolumus Leges Angliæ mutari*. They who have so often justified the Arms of the United Netherlands against their Rightful Princes the Kings of *Spain*, and so unanswerably vindicated their casting off Obedience to those Monarchs, when they had invaded their Priviledges, and attempted to establish the *Inquisition* over them, cannot be ignorant what their own Right and Duty is in behalf of the Protestant Religion and English Liberties; for the Security whereof, we have not only so many Laws, but the Coronation Oaths, and Stipulations of our Kings.

And those Gentlemen of the Church of *England*, who appeared so vigorously in three Parliaments for excluding the Duke of *York*, from the Succession to the Crown, by reason of a Jealousy of what, through being a Papist, he would attempt against our Religion and Priviledges, in case he were suffered to ascend the Throne; cannot be now to seek what becomes them towards him, having seen and felt what before they only apprehended and feared. For if the Law that entaileth the Succession upon the next of Kin, and obligeth the Subjects to admit and receive him, not only may, but ought to be dispensed with, in case the Heir, thro' having imbib'd Principles which threaten the Safety, and are inconsistent with the Happiness of the People, hath made himself incapable to inherit, we know, by a short Ratiocination, how far we stand bound to a Prince on the Throne, who by Transgressing against the Laws of the Constitution, hath abdicated himself from the Government,

vernment, and stands virtually Deposed. For *whosoever shall offer to Rule Arbitrarily, does immediately cease to be King de jure, seeing by the Fundamental, Common, and Statute Laws of the Realm, we know none for Supreme Magistrate and Governor, but a limited Prince, and one who stands circumscribed and bounded in his Power and Prerogative.*

And should the Dissenters entertain a belief that the Conformists are less concerned and zealous than themselves for the Protestant Religion and Laws of the Kingdom, they would not only Sin, and offend against the Rules of Charity, but against the Measures of Justice, and daily Evidences from Matters of Fact. For neither they, nor we, owe our Conversion to God, and our practical Holiness to the Opinions about Discipline, Forms of Worship, and Ceremonies, wherein we differ, but the Doctrines of Faith and Christian Obedience, wherein we agree. 'Tis not their being for a Liturgy, a Surplice, or a Bishop, that hath heretofore influenced them to subserve the Court in Designs tending to Absoluteness, but they were seduced unto it, upon Motives whereof they are now ashamed; and the ridiculousness and folly of which they have at last discover'd. Nor is the multitude of profligate and scandalous persons with which the Church of England is crowded, any just impeachment of the Purity of her Doctrine in the Vitals and Essentials of Religion, or of the Vertue and Piety of many of her Members. For as it is her being the only Society established by Law that attracts those Vermin to her Bosom, so it is her being restrained by Law from debarring them, that keeps them there to her reproach, and to the grief of many of her Ecclesiasticks. Neither is it the fault of the Church of England, that the Agents and Factors for Popery and Arbitrary Power, have chosen to pass under the name of *her Sons*; but it proceeds partly from their Malice, as hoping by that means to disgrace her with all true English-men, as well as with Dissenters; and partly from their Craft, in order thereby the better to conceal their Design, and to shrowd themselves from the Censure and Punishment, which had it not been for that Mask, they would have been exposed unto, and have undergone. And I dare affirm, that besides the Obligations from Religion, which the Conformists are equally under with Dissenters, for hindring the introduction of Popery, there are several Inducements from interest [which] sway them to prevent its establishment, wherein the Dissenters are but little concerned. For though Popery would be alike afflictive to the Consciences of Protestants of all Persuasions, yet they are Gentlemen, and Ministers of the Church of England, whole Livings, Revenues, and Estates have been threatned in case it had come to be established.

Nor would the most Loyal and obsequious Levites, provided they resolve to continue Protestants, be willing that their Personages and Incumbencies, to which they have have no less Right by Law, than the King hath to the Excise and Customs, should be taken from them, and bestowed upon Romish Priests, by an Act of Despotical Power, and of unlimited Prerogative. And for the Gentlemen, as I think few of them would hold themselves obliged to part with their purses to High-way-Padders, though such should have a patten from the King to rob whomsoever they met upon the Road; so there will not be many inclined to suffer their Mannours and Abbey-Lands, to which they have so good a Title, to be ravished from them, either by Monks or Janizaries, though authorised thereunto by the Princes Commission. Even they who had formerly suffered themselves to be seduced, to prove in a manner, Betrayers of the Rights and Religion of their Country, will now (being undeceived) not only in conjunction with others, withstand the Court in its prosecution of Popish and Arbitrary Designs; but through a generous exasperation, for having been deluded and abused, will judge themselves obliged, in vindication of their Actings before, to appear for the Protestant Religion, and the Laws of England, with a Zeal equal to that wherewith they contributed to the undermining and supplanting of them. For they are not only become more sensible than they were of the Mischiefs of Absolute Government, so as for the future to prize and assert the Privileges reserved unto the people by the Rules of the Constitution, and chalk'd out for them in the Laws of the Land; but they have such a fresh view of Popery, both in its Heresies, Blasphemies, Superstitions, and Idolatries; and in the Treachery, Sanguinariness, Violence and Cruelty which the Papal Principles mould, influence, and oblige Men un-

to; that they not only entertain the greatest abhorrency and detestation imaginable for it, but seem resolved not to cherish in their Bosom, a Thing so abominable to God, execrable to good Men, and destructive to Humane as well as to Christian Societies.

Nor are the Dissenters meerly to believe that the Conformists are equally zealous as themselves for the Reformed Religion, and English Rights, but they are to consider them as the only great and united Body of Protestants in the Kingdom, with whom all other parties compared bear no considerable proportion. For though the Nonconformists, considered abstractly, make a vast number of honest and useful people, yet being laid in the Scale with those of the Episcopal Communion, they are but few, and lye in a little room. And whosoever will take the pains to ballance the one against the other, even where Dissenters make the greatest Figure, and may justly boast of their Multitude, they will soon be convinced that the number of the other doth far transcend and exceed them. And if it be so in Cities and Corporations, where the greatest Bulk of Dissenters are, it is much more so in Country Parishes, where the latter bear not the proportion of one to a hundred. Nor doth the Church of *England* more exceed the other parties in her number, than she doth in the quality of her Members. For whereas they who make up and constitute the separate Societies; are chiefly persons of the middle Rank and Condition, the Church of *England* doth in a manner vouch, and claim all the Persons of Honour, of the Learned professions, and such as have valuable Estates, for her Communicants. And though the other sort are as necessary in the Common-wealth, and contribute as much to its Strength, Prosperity, and Happiness, yet they make not that Figure in the Government, nor stand in that Capacity of having influence upon Publick Affairs. For not only the Gentlemen of both the Gowns, who by reason of their Calling and Learning are best able to defend our Religion, and vindicate our Laws and Priviledges with their Tongues and Pens, but they whose Estates, Reputation and Interest, recommendeth them to be elected Members of the great Senate of the Nation, as well as they, who by reason of their Honours and Baronages, are Hereditary Legislators, are generally, if not all, of the Communion of the Church of *England*. So, that they who conform to the established Worship and Discipline, are to be look'd upon and acknowledged as the great Bulwark of the Protestant Religion in *England*, and the Hedge and Fence of our Civil Liberties and Rights.

And though it be true, that this great Breach made upon our Religion and Laws is fallen out under their hand, while the poor Dissenters had neither accession to, nor were in a condition to prevent it; yet seeing their own Consciences do sufficiently load and charge them for it with Shame and Ignominy, it were neither candid, nor at this Juncture seasonable to upbraid it to them, or improve it to their Dishonour and Reproach. For as they have tamely look'd on and connived till our Religion and Liberties are so far undermined and supplanted; so it is they alone who have been in a condition of stemming the Inundation of Idolatry and Tyranny, with which we were threatned, and of repairing our Breaches, and reducing the Prerogative to its old Channel, and making Popery sneak and retreat into its holes and corners again. And should the Church of *England* have been overthrown and devoured, what an easie Prey would the rest have been to the Romish Cormorants! And could the King, under the Conduct of the Jesuits, and with the assistance of his *Myrmidons*, have dissolved the established Worship and Discipline, they of the Separation would have been in no capacity to support the Reformed Religion, nor able to escape the common Ruine and Persecution. 'Tis therefore the Interest, as well as the Duty of the Dissenters, to help, maintain and defend those Walls, within the skreen and shelter whereof their own Huts and Cottages are built and stand. And the rather seeing the Conformists are at last, though to their own Religion's, and the Nations Expence, become so far enlightned, as to see a necessity of growing more amicable towards them, and to enlarge the Terms of their Communion, grant an Indulgence to all Protestants that differ from them. And as we ought to admire the Wisdom of God in those Providences, by which Protestants are taught to lay aside their Animosities, and let fall their Persecutions of one another; so it would be a Contradiction both to the principles and repeated Protestations of Dissenters, to aim at more than such a Liberty as



is consistent with a National Ecclesiastick Establishment. Yea it were to proclaim themselves both Villains and Hypocrites, not to allow their Fellow-Protestants the Exercise of their Judgments, with what further Profits and Emoluments the Law will grant them, provided themselves may be discharged from all obnoxiousness to Penalties and Censures upon the account of their Consciences, and be admitted a free and publick Practice of their own respective Modes of Discipline, and be suffered to worship God in those ways which they think he hath required and enjoyned them. And were *England* immediately to be rendred so happy as to have a Protestant Prince or Princess (as we are not now quite out of hopes) ascend the Throne, and to enjoy a Parliament duly chosen, and acting with freedom, no one party of the Reformed Religion among us, must ever expect to be established and supported to the denial of Liberty to others, much less to be by Law empowered to ruine and destroy them. Should it please Almighty God, to bring the Princess of *Orange* to the Crown, though the Church of *England* may in that case justly expect the being preserved and upheld as the National Establishment, yet all other Protestants may very rationally promise themselves an Indulgence, and that not only from the Mildness and compassionate Sweetness of her Temper, but from the Influence which the Prince her Husband will have upon her, who, as he is descended from Ancestors, whose Glory it was to be the Redeemers of their Country from Papal Persecution and Spanish Tyranny; so his Education, Generosity, Wisdom, and many Heroick Vertues, dispose him to embrace all Protestants with an equal Tenderness, and to erect his Interest upon the being Head and Patron of all that profess the Reformed Religion. Had the late Duke of *Monmouth* been victorious against the Forces of the present King, and inabled to have wrested the Scepter out of his Hand, though all Protestants might thereupon have expected, and would certainly have enjoyed an equal freedom, without the liableness of any party to Penal Laws for matters of Religion, yet he would have been careful; and I have reason to believe that it was his purpose to have had the Church of *Eng.* preserved and maintained, and that he should have suffered no alteration but what would have been to her Strength and Glory, through an enlargement of the Terms of her Communion, and what would have been to the Praise of her Moderation and Charity through her being perswaded to bear with such as differ from her in little things, and could not prevail with themselves to partake with her in all Ordinances. Upon the whole, it is both the prudence and safety of Dissenters, as they would escape Extirpation themselves, and have Religion conveyed down to Posterity, to unite their Strength and Endeavours to those of the Church of *England* for the upholding her against the assaults of Popish Enemies, who pursue her Subversion. As matters have been circumstanced and stated in *England*, there hath not been an Affront or Injury offered or done unto her by the Court, which did not at the same time reach and wound the Dissenters. 'Tis not her being for Episcopacy, Ceremonies, and imposed Set-Forms of Worship, the things about which she and the Nonconformists differ, that she hath been, not long since maligned and struck at by the Man in Power, and his Popish friends; but it is for being Protestant, Reformed, and Orthodox, Crimes under the Guilt whereof Dissenters were equally concerned and involved. Being therefore in opposition to the common Cause of Religion, that the late Court of Inquisition was erected over her Ecclesiasticks, all Protestants jointly resent the Wrongs which she sustains, and not only to sympathize with those dignified and lower Clergy which were called to suffer, but to espouse her Quarrel with the same warmth that we would our own.

And as we are to look upon those of the Episcopal Communion, to be the great Bulwark of the Protestant Religion and Reformed Interest in *England*; so it was farther incumbent on Dissenters towards them, and a Duty which they owe to God, the Nation, and themselves, not to be accessory to any thing through which the legal Establishment of the Church of *England* might have been, by an Act of pretended Regal Prerogative, weakened and supplanted.

I never counsel the Dissenters to renounce their Principles, nor to participate with the Prelatical Church in all Ordinances, on the Terms to which they have straitened and narrowed their Communion. For while they remain unsatisfied of the lawfulness of those Terms and Conditions, they cannot do it without offending God, and contracting Guilt upon their Souls; nor will they of the Church of *England* in Charity, Justice and Honesty, expect it from them. For whatsoever any Man believeth to be Sin, it is so to him, and will by God be imputed as such, till he be otherwise enlightened and convinced; nor are the Dissenters to be false and cruel to themselves, in order to be kind and friendly to them. But that which I would advise them unto is, that after the maintaining the highest measure of Love to the conformable Congregations

as Churches of Christ, and the esteeming their Members as Christian Protestant Brethren, notwithstanding the several things wherein they judge them to err, and to be mistaken, that they would not by any Act and Transactions of theirs, betray them into a Despotical Power, not directly, nor indirectly acknowledge any Authority paramount unto, and superseding the Laws, by which the Church of *England* is established in its present Form, Order, and Mode of Jurisdiction, Discipline and External Worship.

Whatsoever Ease arrived to the Dissenters, through the Kings suspending the Execution of the Penal Laws, without their Address and Application, they might receive it with Joy and Humility in themselves, and with thankfulness to God, nor was there hereby any prejudice offered on their part, to the Authority of the Law, or Offence or Injury given or done to the conformable Clergy. Nor is it without grief and regret that the Church-men have been forced to behold the harassing, spoiling, and imprisonment of the Nonconformists, while in the mean time the Papists were suffered to assemble to the Celebration of their Idolatrous Worship without Censure and Controul. And had it been in their power to remedy it, and give Relief to their Protestant Brethren, they would with delight and readiness have embrac'd the occasion and opportunity of doing it. But alas! instead of having an advantage put into their hand, of contributing to the Relief of the Dissenters, which I dare say, many of them ardently wish and desire, they were compelled, contrary to their Inclination, as well as their Interest, to become instrumental in persecuting and oppressing them. Nor does the late King covet a better and a more legal advantage against the Conformists, than that they would refuse to pursue Dissenters, and decline molesting them with Ecclesiastical Censures and civil Punishments. So that their condition was to be pitied and bewailed, in that they were hindered from acting against the Papists, though both enjoyed by Law, and influenced thereunto by Motives of self-Preservation, as well as by ties of Conscience, while in the mean time they were forced to prosecute their fellow-Protestants, or else to be suspended and deposed, and put out of their Offices and Employments. And tho I believe that they would at last have more Peace in themselves, and be better accepted with God in the great Duty of their Account, should they have refused to disturb and prosecute their Protestant Brethren, and scorn to be any longer Court-Tools for weakening and undermining the Reformed Cause and Interest, yet I could not but leave them to act in this as they should be persuaded in themselves, and as they judged most agreeable to Principles of Wisdom and Conscience. In the interim, the Dissenters have all the Reason in the World to believe, that the Proceedings of the Clergy and Members of the Church of *England* against them, were not the Results of their Election and Choice, but the Effects of moral Compulsion and Necessity. Nor will any Dissenter that is prudent and discreet, blame them for a matter which they cannot help, but bear his Misfortune and Lot with Patience in himself, and with Compassion and Charity towards them; and have his Indignation raised only against that Court, which forced them to be instrumental in their Oppression and Trouble. The Protestant Dissenters could not be so far void of sense, as to think that the Person lately in the Throne bore them any good-Will, but *his drift was to screw himself into a Supremacy and Absoluteness over the Law, and to get such an Authority confessed to be vested in him, as when he pleased he might subvert the Established Religion, and set up Popery.* For by the same Power that he can dispense with the Penal Statutes against the Nonconformists, he may also dispense with those against the Roman Catholics. And whosoever owneth that he hath a Right to do the first, doth in effect own that he hath a Right to do the last. For if he be allowed a Power for the superseding some Laws made in reference to Matters of Religion, he may challenge the like Power for the superseding others of the same kind. And then by the same Authority that he can suspend the Laws against Popery, he may also suspend those for Protestantism. And by the same Power that he can, in defiance of Law, indulge the Papists the Exercise of their Religion in Houses, he may establish them in the publick Celebration of their Idolatry in Churches and Cathedrals. Yea, whereas the Laws that relate to Religion are enacted by no less Authority, than those that are made for the Preservation of our Civil Rights, should the K. be admitted to have an Arbitrary Power over the one it is very like that by the Logick of *Whitethall* he might have challeng'd the same Absoluteness over the other. *Nor do I doubt but that the eleven Judges, who gratified him with a Despoticalness over the former, would, when required, grant him the same over the latter.* I know the Dissenters have been under no small Temptations, both by reason of being hindered from enjoying the Ordinances of the Gospel, and because of many grievous Calamities which they suffer for their Nonconformity of making Applications to the K. for some Relief by his suspending the Execution of the Laws; but they must give me leave to

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add, that they ought not, for the obtaining of a little Ease, to have betrayed the Kingdom, and Sacrifice the Legal Constitution of the Government to the Lust and Pleasure of a Popish Prince, whom nothing less would serve than being Absolute and Despotical. And had he once been in the quiet Possession of an Authority to dispense with the Penal Laws, the Dissenters would not long have enjoyed the Benefit of it. Nor could they have denied him a Power of reviving the Execution of the Law, which is part of the Trust deposited with him as Supreme Magistrate, who have granted him a Power of Suspending the Laws, which the Rules of the Government precluded him from. And as he might, whensoever he pleased, cause the Laws, to which they were Obnoxious, to be executed upon them; so by virtue of having an Authority acknowledged in him of superceding the Laws, he might deprive them of the Liberty of meeting together to the number of Five, a Grace which the Parliament thought fit to allow them, under all the other Severities to which they were subjected. Nor needs there any further Evidence, that the Prince's challenging such a Power was an Usurpation, and that the Subjects making any Application, by which it seem'd allowed to him, was a betraying of the Ancient Legal Government of the Kingdom; whereas the most Obsequious and Servile Parliament to the Court that ever *England* knew, not only denied this Prerogative to the late King *Charles*, but made him renounce it by revoking his Declaration of Indulgence which he had emitted *Anno 1672*.

And as it will be to the perpetual Honour of some of the Dissenters, to have chosen rather to suffer the Severities which the Laws make them liable unto, than by any Act and Transaction of theirs, to undermine and weaken either the Church or the State; so it will be a means both of endearing them, we hope, not only to the Prince of *Orange*, now by a miraculous Providence brought in amongst us, but to future Parliaments, and of bringing them and the Conformists into an Union of Counsels and Endeavours against Popery and Tyranny for ever; which is at this season a thing so indispensibly necessary for their common Preservation. Especially when through a new and more threatening Alliance and Confederacy with *France*, than that in 72, the King had not only engaged to act by and observe the same Measures towards Protestants in *England*, which that Monarch hath vouchsafed the World a Pattern and Copy of in his carriage towards those of the Reformed Religion in *France*; but had promised to disturb the Peace and Repose of his Neighbours, and to commence a War, in conjunction with that Prince, against Foreign Protestants. For as the King's giving Liberty and Protection to the *Algerines* to frequent his Havens, and sell the Prizes which they take from the *Dutch*, is both a most infamous Action for a Prince, pretending to be a Christian, and a direct Violation of his Alliance with the *States General*; so nothing can be more evident, than that he thereby sought to render them the weaker for him to assault, and that he was resolved (if some unforeseen and extraordinary Providence had not interposed and prevented) to declare War against them the next Summer; in order whereunto great Remises of Money were already ordered him from the French Court. So that the Indulgence which he pretends to be inclinable to afford the Dissenters, was not an effect of Kindness and Good-will, but an Artifice whereby to oblige their Assistance in destroying those Abroad of the same Religion with themselves. Which if he could once compass, it were easy to foresee what Fate both the Dissenters, and they of the Communion of the Church of *England*, were to expect. Who as they would not then have known whither to retreat for shelter; so they would have been destitute of Comfort in themselves, and deprived of Pity from others; not only for having, through their Divisions, made themselves a Prey to the Papists at Home, but for having been accessary to the Ruin of the Reformed State Abroad; and which was the *Asylum* and Sanctuary of all those that were elsewhere oppressed and persecuted for Religion.

*Gloria Deo Optimo, Maximo.*

*Honos Principi nostri calcissimumo, pietissimumo.*

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A Repre-



*A Representation of the Threatning Dangers, Impending over Protestants in Great Britain. With an Account of the Arbitrary and Popish Ends, unto which the Declaration for Liberty of Conscience in England, and the Proclamation for a Toleration in Scotland, are designed.*

They are great Strangers to the Transactions of the World, who know not how many and various the Attempts of the *Papists* have been, both to hinder all Endeavours towards a *Reformation*, and to overthrow and subvert it where it hath obtained and prevailed. For beside the innumerable Executions and Murthers committed by means of the *Inquisition* to crush and stifle the *Reformed Religion* in its Rise and Birth, and to prevent its Succeeding and Settlement in *Spain, Italy* and many other *Territories*; there is no *Kingdom* or *State*, where it hath so far prevailed as to come to be universally received and legally established, but it hath been through strange and wonderful Conflicts with the Rage and Malice of the *Church of Rome*. The Persecutions which the *Primitive Christians* underwent by virtue of the *Edicts* of the *Pagan Emperors*, were not more Sanguinary and Cruel, than what through the *Laws* and *Ordinances* of *Popish Princes*, have been inflicted upon those, who have testified against the *Heresies*, *Superstitions*, and *Idolatry*, and have withdrawn from the Communion of the *Papal Church*. Nor were the *Martyrs* that suffered for the Testimony of *Jesus* against *Heathenism*, either more numerous or worthier of esteem for *Virtue*, *Justice* and *Piety*, than they who have been slaughtered, upon no other Pretence, but for Endeavouring to restore the *Christian Religion* to the Simplicity and Purity of its Divine and first Institution, and to recover it from the Corruptions, wherewith it was become universally Tainted in *Doctrine*, *Worship* and *Discipline*. How have all the Nations in *Europe* been soak'd with the Blood of Saints, through the Barbarous Rage of *Popish Rulers*, whom the *Roman Bishops* and *Clergy* stirred up and instigated, in order to support themselves in their secular Grandeur, and in their Tyranny over the Consciences of Men, and to keep the World in Slavery under Ignorance, Errors, Superstition and Idolatry, which the reducing Christianity again to the Rule of the Gospel, would have redeemed Mankind from, and been an effectual Means to have Dissipated and Subverted? They of the *Roman Communion*, having strangely corrupted the *Christian Religion* in its Faith, *Worship* and *Discipline*, and having prodigiously altered it, from what it was in the *Doctrines* and *Institutions* of our *Saviour* and his *Apostles*; they found no other way whereby to sustain their Errors and Corruptions, and to preserve themselves in the Possession of that Empire, which they had usurped over Conscience, and in the Enjoyment of the Wealth and secular Greatness, which by working upon the Ignorance, Superstition, Lusts, and Prophaneness of People, they had skrewed and wound themselves into; but by adjudging all who durst detect or oppose them, to Fire and Sword, or to Miseries, to which Death in its worst shape were preferable. Nor have they for the better obstructing the Growth, and compassing the Extirpation of the *Reformed Religion*, omitted either the Arts and Subtleties of *Julian*, or the Fury and Violence of *Galerius* and *Dioclesian*. Whosoever hath not observed the Craft and Rage that have been employed and exerted against *Protestants* for these 170 Years, must have been very little Conversant in Histories, and strangely overlook'd the Conduct of Affairs in the World and the Transactions in Churches and States, during their own time. And tho the *Papists* do not think it fit, to put their *Maxims* for preserving the *Catholic Religion*, and converting *Hereticks*, in Execution at all times, and in every place, yet some of their Writers are so Ingenuous, as to tell us the reason of it, and that they do not forbear it upon Principles of *Christianity* or good Nature, but upon Motives of Policy and Fear, lest the cutting one of our Throats might endanger two of their own. However they have been careful not to suffer a period of twenty Years to elapse since the beginning of the *Reformation*, without affording us in some place or another, renewed Evidences of *Papal Charity*, and of the *Roman Method* of hindering the Growth of *Heresie*, either by a Massacre, War, or Persecution, begun, and executed, upon no other Account or Provocation, but merely that of our Religion, and because we cannot believe and practise in the Matters of God, as they do. And having obtained of late, great Advantages for the pursuing their Malice against us, more boldly and avowedly than at another Season, and that not only through a strange Concurrence and Conjunction of Princes in the *Papal Communion*, who are more intoxicated with their Superstitions

perfections and Idolatries, or less wise, merciful, and humane, than some of their Predecessors of that Fellowship were, but through having obtained a *Prince* intirely devoted unto them, and under the implicit guidance of their Priests, to be advanced unto a Throne, where such sometime used to sit, as were the Terror of *Rome*, the Safeguard of the *Reformed Religion*, and the Sanctuary of oppressed *Protestants*; they have thereupon both assumed a Courage of stirring up new and unprecedented Persecutions in divers places, against the most useful, best and loyallest of Subjects, upon no other Charge or Allegation, but for dissenting for the *Tridentine Faith*, and denying Subjection to the Tripple Crown, and are raised into a Confidence of wholly Extirpating *Protestancy*, and of re-establishing the *Papal Tyrannies* and Superstition, in the several Countries whence they had been expelled, or stood so depressed and discountenanced, as that the Votaries and Partizans of their Church, had not the Sway and Domination. Nor need we any other Conviction, both of their Design, and of their Confidence of Succeeding in it, than what they have already done, and continue to pursue in *France*, *Hungary* and *Piedmont*, where their prospering to such a degree in their Cruel and Barbarous Attempts, not only gives them boldness of entertaining thoughts of taking the like Methods, and Acting by the same Measures, in all Places where they find Rulers at their beck, and under their Influence, but to unite and provoke all *Papish Monarchs* to enter into a holy War against *Protestants* every where, that by Conquering and Subduing those States and Kingdoms, where the *Reformed Religion* is received and established, they may extirpate it out of the World, under the Notion of the Northern Herefie. If Principles of Humanity, Maxims of Interest, Rules of Policy, Obligations of Gratitude, Ties of Royal and Princely Faith, or the repeated Promises, Oaths, Edicts, and Declarations of Sovereigns, could have been a Security to *Protestants*, for the Profession of their Faith, and Exercise of their Worship, in the forementioned Territories and Dominions, they had all that could be rationally desired, for their Safety and Protection, in the free and open Profession and Practice of their Religion; whereas by a Violation of all that is Sacred among Men, of a binding Virtue unto Princes (except Chains and Fetters) or that confer a Right, Claim, and Security unto Subjects, the poor *Protestants* in those Places, have been, and still are, Persecuted with a Rage and Barbarity, which no Age can parallel, and for which it is difficult to find words proper and severe enough, whereby to stamp a Character of Infamy, upon the treacherous, cruel, and savage Authors, Promoters, and Instruments of it. Nor does it proceed from a Malignancy of Nature peculiar to the *Emperor*, the *French King*, and the *Duke of Savoy*, above what is in other Princes of the same Communion, or that they are more regardless of Fame, and less concerned how future Generations will brand their Memories, than other *Papal Monarchs* seem to be, that they have suffered themselves to be prevailed upon, to violate the Promises and Oaths they were bound by to their *Protestant* Subjects; seeing the *Emperor* is character'd for a Person of a meek and gentle Temper, and of the goodness of whose Nature, there remain some shadows interwoven with the bloody streaks of the *Hungarian* Persecution. And the *French King*, though he stand not much commended for Sweetness and Benignity of Disposition, is known to be unmeasurably Ambitious, of having his name transmitted to Posterity in Letters of Greatness and Honor, which his behaviour towards his Subjects of the *Reformed Religion*, is no ways adapted unto, but calculated to make him hereafter listed with *Nero* and *Julian*. As to the *Duke of Savoy*, there seems by the whole course of his other Actions, to be a certain Greatness of Mind in him, not easily consisting with that savage and brutal Temper, which the Cruelties he hath exercised upon the *Protestants* in *Piedmont*, would intimate and denote. But it ariseth from the Mischievousness and Pestilency of their Religion, their Bigottry in it, and their having put themselves so entirely under the conduct of the *Clergy*, particularly of the *Jesuits*, who are for the most part a Set of Men, especially the latter, that through acting in the Prospect of no other Ends, but the Grandeur, Wealth, and Domination of the Church of *Rome*, do with an unlimited Rage, and a peculiar kind of Malice, persecute all that have renounced Fellowship with it, and care not if they Sacrifice the Honor, Glory and Safety of *Monarchs*, and bring their Kingdoms into Contempt and Desolation, by rending them weak, poor, and dispeopled, provided they may wreak their Spleen, and Revenge upon those, whose Religion is not only dissonant from theirs, but should it prevail to be the Religion of the Legislators and Rulers of Nations, those Springs of Wealth would be immediately dried up, by which their Superior *Clergy*, and all their Religious Orders are enriched and fed up in Idleness. And should the People come to be generally imbued with Principles of Gospel, Light and Liberty, they would immediately shake off a blind and slavish Dependence upon *Pope* and *Priests*, and thereby subvert the Foundation upon which the *Monarchick* Grandeur of the *Romish Church* and

and their whole Religion is superstruck, and destroy the Engine by which they are enabled to Lord it over the Bodies, Estates, and Consciences of Men. And if Protestants every where, especially under Popish Rulers, were not under a strange Infatuation, they would look for no fairer Quarter from Papists, than what their Brethren have met with in France and Piedmont, nor would they rely upon the Faith of any King, that styles himself a Roman Catholic, seeing Sacred Promises, tremendous Oaths, and the most Authentick Declarations, are but Papal Arts, and Tricks sanctified at Rome, whereby to lull Subjects into a Security, and delude them into a neglect of all means, for preserving themselves, and their Religion, till their Rulers can be in a condition, of obeying the Decrees of the fourth Lateran Council, that enjoyns Kings to destroy and extirpate Hereticks, under pain of Excommunication, and of having both their Subjects absolved from Allegiance to them, and their Territories given away to others; and till without running any Hazard, they may comply with the Ordinance of the Council of Constance, which not only releaseth them from all Obligation of keeping Faith to Hereticks, but requires them to violate it; and accordingly made Sigismund break his Faith to John Hus, whom in defiance of the Security given him by that King, they caused to be condemned and Burn'd. Nor is the Practice and late Example of the Great Louis, designed for less than a Pattern, by which all Popish Princes are to act, and his Proceedings are to be the Copy and Moddel, which they who would merit the name of Zealous Catholics, and be esteemed dutiful Sons of the Church, are to transcribe and limn out in Lines of Force, Violence and Blood, and for the better correpsonding with the Original, to imploy Dragoons for Missionaries.

And tho I will not say, but that there may be some Popish Princes, who through an extraordinary Measure of good Nature, and from Principles of Compassion, woven into their Constitution, previouly to all notices of Revelation, whether real or pretended, and who through Sentiments imbib'd from a generous Education, and their coming afterwards to be under the Influence and Management of wise and discreet Counsellors, may be able to resist the malignant Impressions of their Religion, and so be preserved from the Inhumanities towards those of different Perswasions from them in the things of God, which their Priests would lay them under Obligations unto, by the Doctrines of the Romish Faith; yet there appears no reason why an understanding Man should be induced to believe, that the King of England is likely to prove a Prince of that great and noble Temper, there being more than enough, both to raise a Jealousie and beget a Perswasion, that there is not a Monarch among all those who are commonly stiled Catholics, from whom Protestants may justly dread greater Severities than from Him, or look for worse and more Barbarous Treatments. I am not ignorant, with what Candor we ought, by the Rules of Charity and good Manners, to speak of all Men, whatsoever their Religion is, nor am I unacquainted with what Veneration and Deference we are to discourse of Crowned Heads; but as I dare not give those flattering Titles unto any, of which there are not a few in some of the late Addresses, presented to the King, by an inconsiderable and foolish sort of Dissenting Preachers; so I should not know how to be accountable to God, my own Conscience, or the World, should I not in my Station, as a Protestant, and as a Lover of the Laws and Liberties of my Country, offer something, whereby both to undeceive that weak and short-sighted People, whom their own being accommodated for a Season by the Declaration of Indulgence, hath deluded into an Opinion, that His Majesty cherisheth no thoughts of subverting our Religion, and also further to enlighten and confirm others, in the just Apprehensions they are possessed with, of the Design carrying on in Great Britain and Ireland, for the Extirpation of Protestantism, and that the late Declaration for Liberty of Conscience, is emitted in Subserviency thereunto, and calculated by the Court, toward the paving and preparing the way, for the more facile Accomplishment of it. And while Mercenary Sycophants, by their Flatteries infect and corrupt Princes, and by their representing them to the World, in Colours disagreeable from their Tempers and Dispositions, and in milder and fairer Characters, than any thing observable in them, either deserveth, or correspondeth with, do delude Subjects into such Opinions of them, as beget a neglect of Means for preserving themselves; 'tis become a necessary Duty, and an indispensable Service to Mankind, to deal plainly and above-board, that so by describing Kings as they are, and setting them in a true and just Light, we may prevent the Peoples being further imposed upon; or if through suffering themselves to be still deceived, they come to fall under Miseries and Persecutions, they may lay all their Distresses and Desolations at the Door of their own Folly, in not having taken care, how to avoid what they were not only threatned with, but whereof they were warned and advertised. For as I am not of Sir Roger l'Estrange's mind, That if we cannot avoid being distrustful of our Safety, yet it is extremely Vain, Foolish,



foolish, and extravagant to talk of it; so I am very sensible how many of the French Ministers, by painting forth their King more like a God than a Man, and by possessing their People with a belief of Wisdom, Justice, Grace, and Mercy in Him, of which they knew him destitute, they both emboldned Him, to attempt what he hath perpetrated, and laid them under Snare, which they knew not how to disentangle themselves from, in order to escape it. Nor would the King of England, have acted with that neglect of the future Safety of the Papists, nor have exposed them to the Resentment, and hereafter Revenge of three Nations, by the Arbitrary and Illegal Steps he hath made in their Favor, if he intended any thing less, than the putting Protestants for ever out of Capacity and Condition, of calling them to a Reckoning, and exacting an Account of them, which neither He, nor they about him, can have the weakness to think they have sufficiently provided against, without compelling us by an Order of à la mode France Missionaries to turn Catholics, or by adjudging us to Mines and Gallies, according to the Versailles President, for our Heretical Stubbornness, or which is the more expeditious way of Converting three Kingdoms, to cause Murder the Protestant Inhabitants, according to the Pattern, which his Loyal Irish Catholics, endeavored to have set anno 1641. for the Conversion of that Nation. Had his Majesty been contented with the bare avowing, and publishing himself to be of the Communion of the Church of Rome, and of challenging a Liberty, though against Law, for the Exercise of his Religion, it might have awakened our Pity and Compassion, to see him embrace a Religion, where there are so many Impediments of Salvation, and in doing whereof, he was become obnoxious unto the Imprecation of his Grandfather, who wished the Curse of God, to fall upon such of his Posterity, as should at any time turn Papists; but it would have raised no intemperate Heats in the Minds of any against him, much less have alienated them, from the Subjection and Obedience, which are due unto their Sovereign, by the Laws of the several Kingdoms, and the Fundamental Rules of the respective Constitutions. Or could He have been contented with waving the rigorous Execution of the Laws against Papists, of whatsoever Quality, Rank, or Order they were, and with the bestowing personal and private Favors upon those of his Religion; it would have been so far from begetting Rancor or Discontent in his Protestant Subjects, that they would not only have connived at, and approved such a Procedure, and those little Benignities and Kindnesses, but had the Papists quietly acquiesced in them, and modestly improved them, it might have been a means of reconciling the Nation to more Lenity towards them for the future, and might have influenced our Legislators, when God shall vouchsafe us a Protestant on the Throne, to moderate the Severities to which by the Laws in being they are obnoxious, and to render their Condition as easie and safe, as that of other Subjects, and only to take care, for precluding them such Places of Power and Trust, as should prevent their being able to hurt us, but could bring no damage or inconvenience upon themselves. But the King instead of terminating here, and allowing only such Graces and Immunities to the Papists, as would have been enough, for the placing them in the private Exercise of their Religion, with Security to them, and without any threatening Danger to us. He hath not only suspended all the penal Laws against Roman Catholics, but He hath by an usurped Prerogative, that is paramount to the Rules of the Constitution, and to all Acts of Parliament, dispensed with, and disabled the Laws that enjoin the Oath of Allegiance and Supremacy, and which appoint and prescribe the Tests, that were the Fences, which the Wisdom of the Nation had erected, for preserving the Legislative Authority, securing the Government, and keeping Places of Power, Magistracy and Office, in the hands of Protestants, and thereby of continuing the Protestant Religion, and English Liberties, to our selves, and the Generations that shall come after us. And as if this were not sufficient, to awaken us to a Consideration of the danger we are in, of having our Religion supplanted and overthrown; He hath not only advanced the most violent Papists, unto all Places of Military Command by Sea and Land; but hath establish'd many of them, in the chief Trusts and Offices of Magistracy, and Civil Judicature, so that there are scarce any continued in Power and Employment, save they who have either promised, to turn Roman Catholics, or who have engaged to concur and assist to the Subverting our Liberties and Religion, under the Mask and Disguise of Protestants. 'Tis already evident, that it is beyond the help and relief of all Peaceable and Civil means, to preserve and uphold the Protestant Religion in Ireland, and that nothing but Force and an intestine War, can retrieve it unto, and re establish it there, in any degree of Safety. Nor is it less apparent, from the Arbitrary and Tyrannous Oath, ordained to be required of His Majesties Protestant Subjects in Scotland, whereby they are to swear Obedience to Him without Reserve, that our Religion is held only precariously in that Kingdom; and that whensoever He shall please to command the Establishment of Popery, and to enjoin the People to enter into the Com-

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munition of the Church of Rome he expects to have his Will immediately conformed unto, and not to be disputed or controlled. But lest what we are to expect from the King, as to the Extirpation of the Reformed Religion, and the inflicting the utmost Severities upon his Protestant Subjects, that Papal Rage, armed with Power, can inable him unto, may not so fully appear, from what hath been already intimated, as either to awaken the Dissenters out of the Letbargy, into which the late Declaration hath cast them, or to quicken those of the Church of England, to that zealous care, vigilancy, and use of all Lawful means, for preserving themselves, and the Protestant Religion, that the impending Danger, wherewith they are threatned, requires at their hands; I shall give that farther Confirmation of it, from *Topicks* and *Motives* of Credibility, *Moral*, *Political*, and *Historical*, as may serve to place it in the brightest Light, and fullest Evidence, that a matter future and yet to come, which is only the object of our prospect and dread, and not of our feeling and experience, is capable of.

It ought to be of weight upon the minds of all English Protestants, that the King of Great Britain, is not only an open and avow'd Papist, but as most Apostates use to be, a fiery Bigot in the Romish Religion, and who, as the *Leige Letter* from a Jesuit to a Brother of the Order, tells us, is resolved either to Convert England to Popery, or to dye a Martyr. Nor were the Jewish Zealots, of whose rageful Transports, Josephus gives us so ample an Account, nor the Dervises among the Turks and Indians, of whose mad Attempts, so many Histories make mention, more brutal in their Fanatical Heats, than a Popish Bigot useth to be, when favored with Advantages, of exerting his Animosity against those who differ from him, if he be not carefully watched against, and restrained. Beside the innumerable Instances of the Tragical Effects of Romish Bigottry, that are to be met with in Books of all kinds, we need go no farther for an Evidence of it, than to consult the Life of Dominick, the great Instigator and Promoter of the Massacre of the Waldenses, and the Founder of that Order, which hath the Management of the Bloody Inquisition; together with the Life of Henry the Third of France, who contrary to the Advice of Maximilian the Emperor, and the repeated Intreaties of the wisest of his own Counsellors, the Chancellor de l'Hospital, and the President de Thou, not only revived the War and Persecution against his Reformed Subjects, after he had seen what Judgments, the like Proceedings had derived upon his Predecessors, and how prejudicial they had proved to the Strength, Glory, and Interest of his Crown and Kingdom, but he entred into a League with those that sought to depress, abdicate, and depose him, and became the Head of a Faction for the destroying that part of his Subjects, upon whom alone he could rely for the defence of his Person, and support of his Dignity. Nor were the Furies of the Duke de Alen heretofore, or the present Barbarities of Louis the Fourteenth, so much the Effects of their haughty and furious Tempers, as of their Bigottry in their Inhuman and sanguinary Religion. That the King of England is second to none, in a blind and rageful Popish Zeal, his Behaviour, both while a Subject, and since he arrived at the Crown, doth not only place it beyond the limits of a bare Suspicion, but affords us such Evidences of it, as that none in consistency with Principles of Wisdom, and Discretion, can either question or contradict it. To what else can we ascribe it, but to an excessive Bigottry? That when the Frigor, wherein he was sailing to Scotland *anno* 1681. struck upon the Sands, and was ready to sink, he should prefer the Lives of one or two pitiful Priests, to those of Men of the greatest Quality, and receive those Misadventures into the Boat, in which himself escaped, while at the same time, he refused to admit, nor only his own Brother-in-Law, but divers Noblemen of the Supreme Rank and Character, to the benefit of the same means of Deliverance, and suffered them to perish, though they had undertaken that Voyage out of pure respect to his Person, and to put an Honor upon him, at a Season, when he wanted not Enemies. Nor can it proceed from any thing but a violent and furious Bigottry, that he should not only disoblige and disgust the two Universities, of whose Zeal to his Service, he hath receiv'd so many seasonable and effectual Testimonies, but to the Violation both of the Laws of God and the Kingdom, offer force to their Consciences, as well as to their Rights and Franchises, and all this in favor of Father Francis, whom he would illegally thrust into a Fellowship in Cambridge, and of Mr. Farmer, whom he would arbitrarily obtrude into the Headship of a College in Oxford, who as they are too despicable to be owned, and stood for, in Competition against two famous Universities, whose greatest Crime, hath been, an Excess of Zeal for his Person and Interest, when he was Duke of York, and a measure of Loyalty and Obedience unto him, since he came to the Crown, beyond what either the Rules of Christianity, or the Laws of the Kingdom, exact from them; so he hath ways enough of expressing Kindness and Bounty, to those two little contemptible Creatures, and that in Methods as beneficial to them, as the Places into which he would thrust them, can be supposed to amount unto, and I am sure with less Scandal



dal to himself, and less Offence to all *Protestants*, as well as without offering Injury to the Rights of the *University*, or of compelling those learned, grave and venerable Men to perjure themselves, and act against their Duties and Consciences. The late Proceedings towards Dr. *Burnet*, are not only contrary to all the Measures of Justice, Law and Honor, but argue a strange and furious *Bigottry* in *His Majesty* for Popery, there being nothing else into which a Man can resolve the whole Tenor of his present Actings against Him, seeing setting aside the *Doctor's* being a *Protestant*, and a *Minister* of the *Church of England*, and his having vindicated the *Reformation* in *England*, from the Calumnies and Slanders wherewith it was aspersed by *Sanders*, and others of the *Roman* Communion, and the approving himself in some other Writings, worthy of the Character of a *Reformed Divine*, and of that esteem which the World entertains of him, for Knowledge in History, and all other parts of good Learning; there hath nothing occurred in the whole Tenor and Trace of his Life, but what, instead of Rebuke and Censure, hath merited Acknowledgments, and the Retributions of Favor and Preferment from the Court. Whosoever considers his constant Preaching up Passive Obedience to such a Degree and Height, as he hath done, may very well be surpris'd at the whole Method of their present Actings towards him, and at the same time that they find cause to justify the Righteousness of God, in making them the Instruments of his Persecution, whom in so many ways he had sought to oblige, they may justly conclude that none, save a *Bigotted Papist*, could be the Author of so insupportable, as well as illegal and unrighteous Returns. For as to all whereof he is accused, in the *Criminal Letters* against him, bearing date the 19th. of April 1687. I my self am both able to assert his *Innocence*, and dare assure the World, that none of the Persons whom he is charged to have conspired with against the King, would have been so far void of Discretion, (knowing his Principles) as to have transacted with him in Matters of that kind; but whether his Letters since that, to the *Earl of Middlebourne*, with the Paper inclosed in one of them, have administred any *Legal* Ground for their *Second Citation*, I shall not take upon me to determine, and will only say, that as I heartily wish, he had not in those Letters afforded them any probable Pretence for proceeding against him, so there are Excesses of Loyalty in them, to atone for the utmost Indiscretions, his words are capable of being wrested unto; nor can any thing but *Papal Malice* and *Romish Chicanerie*, construe and pervert them, so far contrary to his Intentions, as to make Crimes, and much less to make Treasons of them. Now as nothing can be of more portentous Omen, to *British* and *Irish Protestants*, than to have a *Popish Bigot* exalted to Rule over them; so through a Concurrence of ill Nature, and a deficiency in Intellectuals, met in him with this furious Zeal and *Bigottry*, they are the more to expect, whatsoever his Power enables him to inflict, that is Severe and Dreadful. 'Tis possible that a Ruler may be possessed with a Fondness and Valuation of Popery, as the only Religion wherein Salvation is to be obtained, and therefore in his private Judgment and Opinion, sentence all to eternal Flames, who cannot herd with him in the same Society; and yet he may, through a great measure of Humanity, and from an extraordinary Proportion of Compassion and Meekness, woven into his Nature, hate the imbrueing his Hands in their Blood, or treating those with any Harshness, whose supposed Misbelief is their only Crime; and that finding them in all other Respects, Vertuous, Peaceable and Industrious, He may leave them to the decretive Sentence of the Sovereign and infallible Judge, without disturbing or meddling with them himself. Nor is it impossible, but that there may be a Prince so far *Bigotted* in Popery, as to have Inclination and Propensity to force all under his Authority, to be of his Religion, or else to destroy and extirpate them, yet through being of that largeness of Understanding and Political Wisdom, as to be able to penetrate into the Hazards of attempting it, and to foresee the Consequences that may ensue upon it, in reference to the Peace and Safety of his Government, as well as the Wealth and Power of his Dominions, he may come to check and stifle his furious Inclinations, and chuse rather to leave his Subjects at quiet, than to impoverish, weaken and dispeople his Country, either by destroying them, or by driving them to abandon his Territories, in order to find a Shelter and Sanctuary in other places. But where (as in the King of *England*) a small Measure of Understanding, accompanied with a large share of a Morose, Pierce and Ill Nature, and these attended with Insolency and Pride, as they usually are in weak and froward People, come to have a *Bigottry* in such a Religion as Popery, superadded to them, whose Doctrines and Principles instigate and oblige to Cruelty, towards all of other Perswasions, there Protestants do find nothing that may encourage to hope for Security and Protection under a Prince of that Temper and Complexion; but all that does affect and impress their Minds, bids them prepare for Persecution, and to look for the utmost Rigors and Severities that Pride, Malice, brutal Zeal, back'd and supported with Force and Power, can execute and inflict.

And



And how much such a Prince's Religion proves too weak to restrain him from Uncleanesses, and other Immoralities, by so much the more is he to be dreaded, in that he thinks to compound for, and expiate Crimes of that Nature, by his Cruelty to *Hereticks*, and his offering them up in Sacrifices of Attonement to the *Tripple Crown*. Nor are the Priests either displeased with, or careful to dissuade Princes from Offences of that kind, though they know them to be great Provocations to God, and of mischievous Example to Subjects, seeing they are Masters of the Art of improving them, to the Service of *Holy Church*, and the Advantage of the *Catholick Faith*. For instead of imposing upon those *Royal Transgressors*, the little and Slavish Penances of Pilgrimages, Whippings, and going Bare-foot; they require them to make Satisfaction for those and the like Crimes, by the pious and meritorious Acts of Murthering *Protestants*, and of extirpating the *Northern Heresie*. And as one of the *French Whores* of State is reported to have been a Person that hath principally instigated to all the Cruelties against the *Reformed in France*; so no doubt but as he did it under the Influence and Conduct of her *Confessors*, to compensate for her Adulteries, so she advised and perswaded *Louis* to it upon Motives of the same nature. Nor do they who have the guidance of Consciences at *White-hall* want matter of the same kind to improve and work upon; and as there are of the licentious *Females*, that will be glad of atoning for their filthy Pollutions, by Acts so agreeable to the *Articles* of their Religion; so there are some, who as they have Influence enough upon the King, to Counsel Him to the like Methods, so they will find Him sufficiently disposed to compound for his Loathsom and Promiscuous Scatterings, at a rate so suitable to his Temper, as well as to the Doctrines of the *Papal Faith*.

If any be deluded into a good Opinion of *His Majesty*, and brought to flatter themselves with Expectations of their being protected in the Profession of the *Protestant* Religion, they may be easily undeceived and prevailed upon to change their Sentiments, if they will but consider his Behaviour towards *Protestants* in the *Post* wherein he formerly stood, and what his carriage was to them, while he was fixed in a meaner and more subordinate Station than now he is. Though there have been many whose Behaviour in their private Condition, would have rendered them thought worthy to Rule, if their Actions, after their Advancement to governing Power, had not confuted the Opinion entertained concerning them; yet here have been very few that have approved themselves Just and Merciful after their attaining to Sovereignty, whose Carriage in an inferior Station, had been to the Damage and general Hurt of Mankind, as far as their narrow Power and Interest would extend. It ought therefore to lay us under a Conviction, what we are to expect from *His Majesty* on the *Throne*, when we find the whole Thread and Series of his Conduct while a Subject, to have been a continued *Design* against our Religion, and an uninterrupted *Plot* for the Subversion of our *Laws* and *Liberties*. 'Tis sufficiently known, how active he always was, to keep up and inflame the Differences among *Protestants*, and how he was both a great Promoter of all the severe *Laws* made against *Dissenters*, and a continual Instigator to the rigorous Execution of them: So that his affirming it to have been ever his Judgment, that none ought to be oppressed and persecuted for Matters of Religion, nor to be hindered in Worshipping God according to their several Perswasions; serves only to inform us, either with what little Honesty, Honor and Conscience He acted, in concurring to the making of the foresaid *Laws*, or what small Faith and Credit is now to be given to his Declaration, and to what he hath, since the Emission of it, repeated both in his Speech to Mr. Penn, and in his Letter to Mr. *Allop*. And to omit many other Instances of his kindness and Benignity to the *Fanatics*, whom he now so much hugs and caresseth; it may not be amiss to remember them, and all other *Protestants*, of that barbarous and illegal Commission issued forth by the Council of Scotland, while he, as the late King's High Commissioner, had the Management of the Affairs of that Kingdom; by which every *Military Officer* that had command over twelve Men, was impow'rd to impanel Juries, Try, Condemn and cause to be put to Death, nor only those who should be found to disclaim the King's Authority, but such as should refuse to acknowledge the King's new modelled Supremacy over that Church; in the pursuance and Execution of which Commission, some were Shot to Death, others were Hang'd or Drowned, and this not only during the Continuance of the Reign of his late Majesty, but for above a Year and a half after the present King came to the Crown. But what need is there, of insisting upon such little Particulars, wherein he was at all times ready to express his Malice to *Protestants*, seeing we have not only Dr. Oates's Testimony, and that of divers others, but most Authentick Proofs from Mr. Coleman's Letters, of his having been in a Conspiracy several Years for the Subversion of our Religion, upon the meritorious and sanctified Motive of extirpating the *Northern Heresie*. Of which, beside all the Evidence that four Successive Parliaments

*Parliaments* arrived at, I know several, who, since the Duke of *Tork* ascended the Throne, have had it confirmed unto them by divers Foreign Papists, that were less reserved, or more ingenious than many of that Communion use to be. To question the Existence of that Plot, and his present *Majesties* having been Accessary unto, and in the Head of it, argues a strange *Effrontery* and Impudence, through casting an Aspersiō of Weakness, Folly and Injustice, not only upon those *Three Parliaments* that seem'd to have retained some Zeal for English Liberties, but by fastening the same Imputations upon the *Long Parliament*, which had shewed it self at all times more Obsequious to the Will of the Court, than was either for their own Honor, or the Safety and Interest of the Kingdom, and who had expressed a Veneration for the *Royal Family*, that approached too much upon a degree of *Idolatry*. Whosoever considers that Train of Counsels wherein the King was many Years engaged, and whereof we felt the woful Effects in the Burning of *London*, the frequent *Prorogation* and *Dissolution* of *Parliaments*, the widening and exasperating Differences among Protestants, the stirring up and provoking *Civil Magistrates*, and *Ecclesiastical Courts*, to persecute Dissenters, and the maintaining Correspondencies with the Pope and *Catholic Princes* abroad, to the dishonor of the Nation, and danger of our Laws and Religion, cannot avoid being apprehensive what we are now to look for at his Hands, nor can he escape, thinking that he esteems his Advancement to the Crown, both a Reward from Heaven for what he hath done and plotted against these three Kingdoms, and an Opportunity and Advantage administered to him for the Perfecting and Accomplishment of all those Designs with which he hath been so long Bigg and in Travel for the Destruction of our Religion, the Subversion of our Laws, and the Re-establishment of Popery in these Dominions.

The Conduct and Guidance under which His Majesty hath put himself, and the fiery Temper of that Order to whose Government he hath resigned his Conscience, may greatly add to our Fears, and give us all the jealousy and Dread that we are capable of being impressed with, in reference to Matters to come, that there is nothing which can be fatal to our Religion or Persons, that we may not expect the being called to conflict with and suffer. For the most of the Popish Ecclesiasticks, especially the *Regulars*, bear an inveterate Malice to Protestants, and hold themselves under indispensable Obligations of eradicating whatsoever their Church stiles *Heretic*, and have accordingly been always forward to stir up and provoke Rulers, to the use and Application of Force for the Destruction of Protestants, as a Company of perverse and obstinate *Heretics*, adjudged and condemned to the Stake and Gibbet by the infallible Chair; yet of all Men in the Communion of the *Romish Church*, and of their Religious Orders, the *Jesuits* are they who do most hate us, and whose Counsels have been most sanguinary, and always tending to influence those Monarchs, whose Consciences they have had the guiding and conducting of, to the utmost Cruelties and Barbarities towards us. What our Brethren have had measured out to them in *France*, through *Father de la Chaise's* Influence upon that King, and through the bewitching Power and Domination he hath over him in the quality of his Confessor, and as having the Direction of his Conscience, may very well alarm and inform us what we ought to expect from His Majesty of Great Britain, who hath surrendered his Conscience to the Guidance of *Father Peters*, a Person of the same Order, and of the like mischievous and bloody Disposition that the former is. 'Tis well observed by the Author of the *Reasons against Repealing the Acts of Parliament concerning the Test*, that Cardinal *Howard's* being of such a meek and gentle Temper, that is able to withstand the Malignity of his Religion, and to preserve him from concurring in those mischievous Counsels which his Purple might seem to oblige him unto, is the reason of his being shut out from Acquaintance with, and Interest in the *English Affairs* transacted at *Rome*, and that whatsoever his Majesty hath to do in that Court, is managed by his Ambassador under the sole Direction of the *Jesuits*. So that it is not without cause, that the *Jesuit* of *Liege*, in his intercepted and lately printed Letter, tells a Brother of the Order, what a wonderful Veneration the King hath for the Society, and with what profound Submission he receives those Reverend Fathers, and hearkens to whatsoever they represent. Nor is His Majesty's being under the Influence of the *Jesuits*, through having one of them for his Confessor, and several of them for his Chief Counsellors and principal Confidants, the only thing in this Matter, that awakens our Fear in what we are to expect from his armed Power, excited and stir'd up by that fiery Tribe, but there is another Ground why we ought more especially to dread him, and that is, his being entred and enrolled into the Order, and become a Member of the Society, whereby he is brought into a greater Subjection and Dependence upon them, and stands bound by Ties and Engagements of being obedient to the Commands of the General of the *Jesuits*, and that not only in Spirituals, but in whatsoever they shall pretend to be subservient to the Exaltation of the Church, and for upholding the Glory of the Tripple Crown. This is a Mystery which few are yet acquainted



with, and which both His Majesty, and the Order, judge it their Interest to have industriously concealed, but whereof the World may ere long receive that convictive Intelligence, that there will be no room left for suspecting the Truth of it, and whereof a Jesuit, in the late printed Letter from Liege, hath given us already sufficient Intimation, both in telling us, *That the King of England styles himself a Son of the Society*; and how that he wrote to *Father de la Chaise*, that he would account every Injury done to the Jesuits, to be a wrong committed against himself. Neither is it so surprising as it may seem at first view, that the King should list himself a Member of the Order, seeing there have been four other Crowned Heads, of whose Entrance and Matriculation into the Society, there is all the Evidence and Assurance imaginable. And tho' one of them is acknowledged to have been in the Classis of the Directors, while the other three are generally believed to have been in the Form of the Directed; yet such was the Power of the Society over them all, that a great part of the Cruelty exercised towards Protestants both in the last Age and in this, is to be ascribed to that implicit and blind Obedience, which they were bound to yield to the Injunctions of the Order, and to the Commands of the General. Philip the Second of Spain, who was the first King that entered into the Order, and who did it upon Motives of Policy in hopes, by their means, to have compassed the Universal Monarchy which he was aspiring after, and who, through being in the Classis of Directors, had Advantages of using and improving, and not of being in that degree of Servitude unto them which the others have been; yet to what barbarous Cruelties did they over-rule and instigate him, not only to the Destruction of unconceivable Numbers of his Subjects, whose only Crime was, that they could not believe as the Church of Rome doth, which issued in the depopulating some of his Dominions, and his being deposed from the Sovereignty in others; but to the Sacrificing his Son and Heir Prince Charles, whom to gratifie the Society, he caused, upon an Accusation of his favoring the Low Country Hereticks, and the being himself tainted with Lutheranism, to be murdered in his own Court and Palace. Sigismund of Poland, who was the second Crowned Head admitted into the Order, through complying with the Counsels, and serving the Wrath, Rage and Passions of the Jesuits, in endeavoring to suppress Religion in Swedeland, to which he was Heir, and in striving to subvert their Civil Rights, drew upon himself the Resentment and Wrath of that Nation to such a degree, that they abdicated him and his Heirs from the Government, and advanced another to the Throne. Casimire, who was also King of Poland, is reckoned to be the third Sovereign Prince that entered into the Society, and he through coming under the Domination of the Jesuits, and being bound to follow their Directions, and to execute whatsoever the General of the Order thought fit to enjoyn for the Promotion and Benefit of the Church, became not only an Instrument of a severe Persecution against all sort of Dissenters from the Romish Faith, so that many were put to Death, and more driven to abandon their Country, but through committing many things in the course of his Government, that were prejudicial to the Rights, and thereupon disgustful to the Polish Nobility; they conceived such an Aversion and Hatred for him, that to avoid the Effects of their Resentment and Indignation, he was forced to lay down his Crown, and to chuse to end his days in France, in no higher a Post, and under no more glorious a Character, than that of Abbot of St. German. There is a fourth Prince, and who is yet in being, that is generally believed to be enrolled into the Order, and the Persecution he hath carried on in Hungary, contrary to his natural Temper, and to all the Rules of Interest and Policy, and to the Violation of his Promises and Oaths for continuing unto them the Liberty of their Religion, is both too probable an Evidence of it, and a strong Confirmation of the Cruelties which the Jesuits instigate Princes unto, over whom they have Influence, and whom they have wheedled into Engagements of obeying their Commands, and pursuing their Injunctions. And as the desolating of Hungary, through a long and bloody War, and the tempting the Turks to invade the Austrian Territories, are some of the Effects that have ensued upon the Emperor's complying with the fierce and heady Counsels of the Jesuits; so we have not seen all the Mischiefs that the Persecution, which they have engaged him in against Protestants, is like to issue in, tho' beside the disgusting several Electoral Princes and States in Germany, and the furnishing the Ottoman Potentate with Encouragements of continuing the War, there are wonderful Advantages afforded by it, to embolden the French King in his Encroachments upon the Empire, which otherways he would not have dared to attempt, and whereof the result at last may prove fatal to the Imperial Dignity, and to the whole House of Austria. Now what the Protestants in Great Britain and Ireland ought to dread from the King, upon his being entered into a Society that hath breathed nothing but Fire and Blood since its first Institution, I leave to the serious Consideration of all Men who value their Lives, Liberties and Estates, and that do not think of renouncing their Religion, and turning Papists. Nor is it to be imagined that the King, before he can be supposed well settled on

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the Throne, and while under a declining State of Body, as well as in an advanced Age, having the weight of *Four and fifty* upon his Shoulders, beside something else that he is obliged to the Earl of *Southesk* for, which I shall not mention, would have taken so many bold, wide, and illegal Steps for the Supplanting our *Religion and Laws*, and for the Introduction and Establishment of *Papery and Tyranny*, and this not only to the losing and disobliging his former *Votaries and Partizans*, but to the strange Allarming and Disgusting most Persons of Honor, Quality and Interest in the Three Kingdoms, were he not beside the being under the Sway of his own *Bigottry*, and the strong Ballance of a large Measure of ill Nature, bound by Ties of implicit Obedience to the Commands of that extravagant and furious Society, to the promoting of whose Passions and Malice, rather than his own Safety and Glory, or the lasting Benefit of the *Roman Catholics* themselves, the whole Course of his Government hitherto seems to have been shapen and adapted. The Occasion and Subject of the late Contest between him and the *Pope*, which hath made so great a Noise not only at *Rome*, but through all *Europe*, may serve to convince us both of the extraordinary Zeal he hath for the Society, and of the transcendent Power they have over him, and that 'tis no wonder he should exact an Obedience without reserve from his Subjects in Scotland, seeing he himself yields an Obedience without reserve to the *Jesuits*. 'Tis known, how that by the Rules of their Institution, no *Jesuit* is capable of the *Mitre*, and that if the Ambition of any of them, should tempt him to seek or accept the Dignity of a *Prelate*, he must, for being capacitated thereunto, renounce his Membership in the Order. Yet so great is His Majesty's Passion for the Honor and Grandeur of the Society, and such is their Domination and absolute Power over him, that no less will serve him, neither would they allow him to insist upon less, than that the *Pope* should dispense with *Father Peters* being made a *Bishop*, without his ceasing to be a *Jesuit*, or the being transplanted into another Order. And this the old Gentleman at *Rome* hath been forced at last to comply with, and to grant a Dispensation, whereby *Father Peters* shall be capable of the *Prelature*, notwithstanding his remaining in the *Ignatian Order*, the *Jesuits*, through their Authority over the King, not suffering him to recede from his Demand, and His Majesty's Zeal for the Society, not permitting him to comply either with the Prayers, or the Conscience and Honor of the Supreme Pontiff.

Not only the King's Unthankfulness unto, but his illegal Proceedings against, and his Arbitrary invading the Rights of those who stood by him in all his Dangers and Difficulties, and who were the Instruments of preventing his Exclusion from the Crown, and the chief means both of his Advancement to the Throne, and his being kept in it, are so many new Evidences of the ill will he bears to all Protestants, and what they are to dread from him, as Occasions are Administred of Injuring and Oppressing them; and may serve to convince all impartial and thinking People, that his Popish Malice to our Religion, is too strong for all Principles of Honor and Gratitude, and able to cancel the Obligations, which Friendship for his Person, and Service to his Interest, may be supposed to have laid him under to any heretofore. Had it not been for many of the Church of England, who stood up with a Zeal and Vigor for preserving the Succession in the right Line, beyond what Religion, Conscience, Reason or Interest could conduct them unto, he had never been able to have out-wrestled the Endeavors of Three Parliaments for excluding him from the Imperial Crown of England: And had it not been for their Abetting and standing by him with their Swords in their Hands, upon the Duke of Monmouth's Descent into the Kingdom Anno 1685, he could not have avoided the being driven from the Throne, and the having the Scepter wrested out of his Hand. Whosoever had the Advantage of knowing the Temper and Genius of the late King, and how afraid he was of embarking into any thing that might import a visible Hazard to the Peace of his Government, and draw after it a general Disgust of his Person; will be soon satisfied, that if all his Protestant Subjects had united in their Desires, and concurred in their Endeavors, to have had the Duke of York debarred from the Crown, that his late Majesty would not have once scrupled the complying with it, and that his Love to his Dear Brother, would have given way to the Apprehension and Fear of forfeiting a Love for himself in the Hearts of his People, especially when what was required of him, was not an Invasion upon the Fundamentals of the Constitution of the English Monarchy, nor dissonant from the Practice of the Nation in many repeated Instances. Nor can there be a greater Evidence of the present King's ill Nature, Romish Bigottry, and prodigious Ingratitude, as well as of the Design he is carrying on against our Religion and Laws, than his Carriage and Behavior towards the Church of England; tho I cannot but acknowledge it a righteous Judgment upon them from God, and a just Punishment for their being not only so unconcerned for the Preservation of our Religion and Liberties, in avoiding to close with the only Methods that were adapted thereunto,

unto, but for being so *Passionate* and *Industrious* to hasten the Loss of them, through putting the Government into ones hands, who (as they might have foreseen) would be sure to make a Sacrifice of them to his beloved *Popery*, and to his inordinate Lust after despotical and Arbitrary Power. And as the only Example bearing any Affinity to it, is that of *Louis XIV.* who in recompence to his *Protestant Subjects* for maintaining him on the Throne, when the late Prince of *Conde*, assisted by *Papists*, would have wrested the Crown from him, hath treated them with a *Barbarity*, whereof that of *Antiochus* towards the Jews, and that of *Diocletian* and *Maximian* towards the Primitive Christians were but scanty and imperfect Draughts; so there wants nothing for compleating the Parallel between *England* and *France*, but a little more time and a fortunate Opportunity, and then the deluded Church-men will find, that *Father Peters* is no less skillful at *Whitehall*, for transforming their Acts of Loyalty and Merit towards the King, into Crimes and Motives of their Ruin, than *Pere de la Chaise* hath shewn himself at *Versailles*, where by an Art peculiar to the *Jesuits*, he hath improved the Loyalty and Zeal of the Reformed in *France*, for the House of *Bourbon*, into a reason of alienating that Monarch from them, and into a ground of his destroying that dutiful and obedient People. It will not be amiss to call over some of his Majesty's Proceedings towards the Church of *England*, that from what hath been already seen and felt, both they and all *English Protestants* may the better know what they are to expect and look for hereafter. Tho it be a Method very unbecoming a Prince, yet it shews a great deal of Spleen, to turn the former Persecution of Dissenters so maliciously upon the Prelatical and Conforming Clergy, as his Majesty doth in his Letter to Mr. *Allop*, in styling them a Party of Protestants, who think the only way to advance their Church, is by undoing those Churches of Christians that differ from them in smaller Matters. Whereas the Severity that the Fanaticks met with, had much of its Original at Court, where it was formed and designed upon Motives of Popery and Arbitrariness; and the Resentment and revengeful Humour of some of the old Prelates, and other Church-men that had suffered in the late times, was only laid hold of, the better to justify and improve it. And tho it be too true, that many of the dignified Rank, as well as of the little Levites, were both extremely fond of it, and contentiously pleaded for it; yet it is as true, that most of them did it not upon Principles of Judgment and Conscience, but upon Inducements of Retaliation for conceived Injuries, and upon a belief of its being the most compendious Method to the next Preferment and Benefice, and the fairest way of standing recommended to the Favor of the two Royal Brothers. Nor is it unworthy of Observation, that some of the most virulent Writers against Liberty of Conscience, and others of the most fierce Instigators to the persecuting Dissenters, among whom we may reckon *Parker Bishop of Oxford*, and *Cartwright Bishop of Chester*, are, since Addressing for the Declaration of Indulgence became the means of being graciously look'd upon at *Whitehall*, turned forward Promoters of it, tho their Success in their Diocesses with their Clergy, hath not answered their Expectations and Endeavors. For as these two Myrtred Gentlemen will fall in with and justify whatsoever the King hath a mind to do, if they may but keep their Seats, and enjoy their Revenues, which I dare say, that rather than lose, they will subscribe not only to the *Tridentine Faith*, but to the *Alcoran*; so it is most certain that they two as well as the Bishop of *Durham*, have promised to turn *Roman Catholics*; and that as Crew hath been several times seen assisting at the Celebration of the Mass, and that as *Cartwright* paid a particular respect to the Nuncio at his solemn Entrance at *Windsoer*, which some Temporal Lords had so much Conscience and Honor, as to scorn to do, so the Author of the *Liege Letter* tells us, that *Parker* not only extremely favors Popery, but that he brands in a manner all such for *Archeists*, who continue to plead for the Protestant Religion. 'Tis an Act of the same Candor and good Nature in the King with the former, and another Royal Effect of his Princely Breeding, as well as of his Gratitude, when he Endeavors to cast a farther Odium upon the Church of *England*, and to exasperate the Dissenters against her, by saying in the forementioned Letter to Mr. *Allop*, That the reason why the Dissenters enjoyed not Liberty sooner, is wholly owing to the Solicitation of the Conforming Clergy; whereas many of the learned and sober Men of the Church of *England*, could have been contented that the Non-conforming Protestants should have had Liberty long ago, provided it had been granted in a legal way; and the chief Executioners of Severity upon them, were such of all Ranks, Orders and Stations as the Court both set on and rewarded for it. 'Tis not their Brethrens having Liberty that displeaseth modest and good Men of the Church of *England*; but 'tis the having it in the virtue of an Usurped Prerogative over the Laws of the Land, and to the shaking all the legal Foundations of the Protestant Religion it self in the Kingdom. And had the Declaration of Indulgence import'd only an Exemption of Dissenters and Papists from Rigors and Penalties, I know very few that would have been displeased at it; but the extending it to the removing all the Fences about the Reformed Do-

ctrine and Worship, and laying us open both to the tyranny of Papists, and the being overflowed with a deluge of their Superstitions and Idolatries, as well as the designing it for a means to overthrow the established Church, is that which no wise Dissenter no more than a conformable man knows how to digest. For I am not of Sir R. L' E'strange's mind, who after he hath been writing for many years against Dissenters with all the venom and malice imaginable, and to disprove the wisdom, justice, and convenience of granting them liberty, hath now the impudence to publish that whatsoever he formerly wrote, bears an exact conformity to the present Resolutions of State, in that the liberty now vouchsafed is an Act of Grace issuing from the supreme Magistrate, and not a claim of Right in the people. And as to recited expressions of the King, they are only a papal trick whereby to keep up heats and animosities among Protestants, when both the inward heats of men are much allay'd, and the external provocations to them are wholly removed, and they are merely Jesuitick methods by which our hatred of one another may be maintain'd, tho the Laws enabling one party to persecute the other, which was the chief spring of all our mutual rancor and bitterness, be suspended. It would be the sport and glory of the Ignatian Order, to be able to make the disabling of penal Laws as effectual to the supporting differences among Protestants, as the enacting and rigorous execution of them, was to the first raising, and the continuing them afterwards for many years. And if the foregoing Topics can furnish the King arguments whereby to reproach the Ch. of England, when he thinks it seasonable and for the interest of Rome to be angry with them; I dare affirm he will never want pretences of being discontented with and of aspersing Fanaticks, when he finds the doing so, to be for the service of the papal cause. And if the forementioned instances of his Majesty's behaviour to the Ch. of England to which he stands so superlatively obliged, be neither testimonies of his Ingenuity, evidences of his Gratitude, nor effects of common, much less royal Justice; yet what remains to be intimated, does carry more visible marks of his malice and design both against the legally established Church and our Religion. For not being satisfied with the suspension of all those Laws, by which Protestants and they of the national Communion might seem to be injurious to Papists in their Persons and Estates, such as the Laws which make those, who shall be found to have taken Orders in the Ch. of Rome, obnoxious to death, or those other Statutes by which the King hath Power and Authority for levying two thirds of their Estates that shall be convicted of Recusancy; but by an usurped Prerogative and an absolute Power he is pleased to suspend all the Laws by which they were only disabled from hurting us, thro standing precluded from places of Power and Trust in the Government. So that the whole security we have in time to come for our Religion, depends upon the temperate disposition and good nature of those Roman Catholics that shall be advanced to Offices and Employments, and does no longer bear upon the protection and support of the Law; and I think we have not had that experience of grace and favour from Papists, as may give us just confidence of fair and candid treatment from them for the future. Now that we may be the better convinced, how little security we have from his Majesty's promise in his Declaration, of his protecting the Archbishops, Bishops and Clergy, and all other his Subjects of the Church of England, in the free exercise of their Religion as by Law established, and in the quiet and full enjoyment of their possessions, without any molestation or disturbance whatsoever, which is all the Tenour that is left us; 'tis not unworthy of observation how that beside the suspending the Bishop of London *ab Officio*, and the Vice-Chancellor of Cambridge both *ab Officio* and *Beneficio*, and this not only for Actions which the Laws of God and the Kingdom make their duty, but thro a sentence inflicted upon them by no legal Court of Judicature, but by 5 or 6 mercenary persons supported by a tyrannous and arbitrary Commission, his Majesty in his Proclamation for Toleration in Scotland, bearing date Febr. 12. doth among many other Laws, *cast*, *disable*, and *dispense* with the Law enjoining the Scots Test, tho it was not only enacted by himself while he represented his Brother as his high Commissioner, but hath been confirmed by him in Parliament since he came to the Crown. Surely it is as easie to depart from a promise made in a Declaration, as 'tis to absolve and discharge himself from the obligation of a Law which he first concurred to the enacting of, and gave the creating Fiat unto as the late King's Commissioner, and hath since ratified in Parliament after he was come to the Throne. As there is no more infidelity, dishonor and injustice, so there is less of absolute power and illegality, in doing the one than the other. Nor is it possible for a rational man to place a confidence in his Majesty's Royal word for the protection of our Religion, and the Ch. of England mens enjoying their possessions, seeing he hath not only departed from his Promise made to the Council immediately after his Brother's death, but hath violated his Faith given to the Parliament of England at their first Session, which we might have thought would have been the more sacred and binding, by reason of the Grandeur, State, and Quality of the Assembly to which it was pledged.

Pref. to his  
Hist. of the  
Times. p. 8.

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If we consider how much *Protestants* suffered, what number of them was burnt at the Stake, as well as *Murdered in Goals*, beside the vast Multitudes, who to avoid the Rage and Power of their Enemies, were forced to abandon their *Country*, and seek for shelter in foreign Parts, and what Endeavors of all kinds were used for the Extirpation of our Religion under *Q. Mary*; we may gather and learn from thence what is to be dreaded from *James II.* who is the next *Popish Prince* to her that since the *Reformation* hath sat on the *Throne of England*. For though there be many things that administer grounds of Hope, that the *Papists* will not find it so easie a matter to bring us in shoals to the stake, nor of that quick and easie dispatch to suppress the *Protestant Religion*, and set up *Popery*, at this time as they found it then; yet every thing that occurs to our Thoughts, or that can affect our Understandings, serves not only to perswade us into a belief that they will set upon and endeavor it, but to work us up to an Assurance that his Majesty would take it for a diminution of his Glory, as well as reflection upon his Zeal for the Church of *Rome*, not to attempt what a Woman had both the Courage to undertake, and the Fortune to go through with. And there is withal a Concurrence of so many things both abroad and at home at this Juncture, which if laid in the ballance with the Motives to our hope of the *Papists* miscarrying, may justly raise our Fears of their prospering to a very sad and uncomfortable height. Whosoever shall compare these two Princes together, will find that there was less danger to be apprehended from *Mary*, and that not only upon the score of her Sex, but by reason of a certain gentleness and goodness of Nature which all *Historians* of Judgment and Credit ascribe unto her; than is to be expected from the present *King*, in whom a Sourness of Temper, Fierceness of Disposition, and Pride joined with a peevishness of humor not to bear the having his will disputed or controlled, are the principal Ingredients into his Constitution, and which are all strangely heightened and enflamed by contracted distempers of Body, and thro' furious Principles of Mind which he hath imbib'd from the *Jesuits*, who of all Men carry the Obligations arising from the *Doctrines* of the *Popish Religion* to the most outrageous and inhuman Excesses. Nor can I forbear to add, that whereas the Cruelty which that *Princess* was hurried into, even to the making her Cities common Shambles, and her Streets Theatres of Murder for Innocent Persons, for which she became hated while she lived, and her Memory is rendred infamous to all Generations that come after, was wholly and entirely owing to her Religion, which not only proclaims it lawful, but a necessary duty of Christianity, and an Act meriting a peculiar Crown of Glory in Heaven, to destroy *Hereticks*; 'tis to be feared there will be found in the present *King* a spice of revenge against us as we are *Englishmen*, as well as a measure heaped up and running over of furious *Papal Zeal* against us as we are *Protestants*. Beside the Wrath he bears unto us for our departure from the Communion of the *Romish Church*, and our Rebellion against the Triple Crown; the War wherein many of the Kingdom were engag'd against his Father, and the issue of it in the Execution of that Monarch, is what he hath been heard to say, *That he hopes to revenge upon the Nation*. And all that the City of *London* underwent thro' that dreadful Conflagration 1666. of which he was the great Author and Promoter, as well as the Rescuer and Protector of the *Varlets* that were apprehended in their spreading and carrying on the fire, is but earnest in respect of what is design'd farther to be paid them, for the having been the great Supporters of that War, both by continu'd *Recruits* of Men, and repeated *Supplies* of Treasure. Tho' it was *Qu. Mary's* misfortune, and proved the misery of *Protestants*, that she was under the Influence of *Popish Bishops*, and of *Religions* of several Orders, by whom she was whetted on and provoked to those Barbarities wherewith her Reign is stain'd and reproach'd; yet she had no *Jesuits* about her, to whom all the other Orders are but *punies* in the arts of wheedling and frightening *Princes* forward to Cruelty. The Society being then but in its Infancy, and the distance between its Institution, which was in 1540. and the time of her coming to the Crown, which was A. 1553. not affording season enough for their spreading so far abroad as they have since done, nor for the perfecting themselves to that degree in the methods of Butchery, and in the *Topicks* whereby to delude *Monarchs*, to serve and promote their sanguinary Passions, as they have in process of time attain'd unto. Nor have the *Protestants* now any security for their Religion, whereby it or themselves may be preserv'd from the attempts of his Majesty for the Extirpation of both, but what our Predecessors in the same Faith had in the like kind, tho' not to the same measure and degree, when *Qu. Mary* arrived at the Throne. For tho' our Religion was of late fenced about with more Laws, and we had *Royal Promises* oftner repeated for the having it preserv'd, and our selves protected in the Profession of it; yet it is certain that it had not only receiv'd a legal Establishment under *K. Edward VI.* but had the *Royal Faith* of *Q. Mary* laid to pledge in a Promise made to the Men of *Suffolk*, that nothing should be done towards its Subversion, or whereby they might be hindred in the free Exercise of it. But as neither Law nor Promise could prove restraints upon *Mary*, to hinder her from subverting Religion, and burning

*Protestants*, so the Obligation of Gratitude that she was under to the Men of *Suffolk*, for their coming in so seasonably to her Assistance against the *D. of Northumb.* who was in the field with an Army in the name of the *Lady Jane Grey*, whom the Council had proclaimed *Queen*, could not excuse them from sharing in the Severity that others met with, it being observed that more of that *County* were *Burnt* for Religion, than of any other *Shire* in *England*. And 'tis greatly to be feared, that this piece of her Example, will not escape being conform'd unto by the *King* in his Carriage towards those that eminently served him, as well as all the rest of it in his Behaviour towards *Protestants* in general. Nor is it possible to conceive that the *Papists* living at that ease and quietness which they did under his late Majesty, of whose being of their Religion they were not ignorant, as appears by the Proofs they have vouchsaf'd the World of it since his death, would have been in so many plots for destroying him, and at last have hastned him to his *Fathers*, as can be demonstrated whensoever it is seasonable, had they not been assur'd of more to be attempted by his Successor for the Extirpation of *Protestants*, than *Charles* could be wrought up unto, or prevail'd upon to expose his Person and Crown to the danger and hazard of. For as it is not merely a *Prince's* being a *Papist*, and mild, gentle, and favorable to *Catholics*, that will content the fiery Zealots of the *Roman Clergy* and the *Regular Orders*, but he must both gratifie their Ambition in exalting them to a Condition above all others, and serve their inhuman Lusts and brutal Passions, in not suffering any to live in his Dominions that will not renounce the *Northern Heresy*; so it is not more incredible that they should dispatch a *Prince* by an infusion in a Cup of *Tea* or *Chocolate*, whom tho' they knew to be a *Papist* yet they found too cold and slow in promoting their Designs; than that they should have murder'd another by a consecrated *Dagger* in the hand of *Ravilliac*, the one being both more easie to be detected, and likelier to derive an universal Hatred and Revenge upon them than the other. And as the *King's* being conscious of that parricide committed upon his Brother, plainly tells us, that there is nothing so abominable and barbarous, which he hath not a Conscience that will swallow and digest; so the Promotion of the *Catholic Cause* being the Motive to that horrid Crime, we may be sure that what is hitherto done in favor of *Papists*, falls much short of what is intended there being something more meritorious than all this amounts unto, needful to atone for so barbarous a Villany, which can be nothing else but the extirpating the *Protestant Religion* out of the three *Kingdoms*. Nor is it probable that the present *King*, who is represented for a Person ambitious of Glory, would lose the Opportunities wherewith the present posture of Affairs in the World presents him, of being the *Umpire* and *Arbiter* of Christendom, and of giving check to the Grandeur and *Usurpations* of a neighboring *Monarch*, to whom all *Europe* is in danger of becoming enslaved; if he were not swallowed up in the Thoughts of a Conquest over the Consciences, Laws and Liberties of his own People, and of subjugating his Dominions to the Sea of *Rome*, and had he not Hopes and Assurances of Aid and Assistance therein from that *Monarch*, as he is emboldned and encouraged thereunto by his Pattern and Example.

What the *Papists* have all along been endeavoring for the Subversion of our Religion, during and under the Reigns of *Protestant Princes*, may yet farther inform and confirm us, what they will infallibly attempt upon their having gotten one into the *Throne*, who is not only in all things of their own Faith, but of an Humor agreeable unto their Desires, and of a Temper every way suited and adapted to their Designs. Tho' the *Protestant Religion* had obtain'd some entrance into several *States* and *Kingdoms*, and had made some considerable spread in *Europe*, before it came to be generally received, and established upon Foundations of Law in *England*; yet they of other Countries, were little able to defend themselves from the Power and Malice of the *Church* of *Rome*, and of *Popish Princes*, and many of them were very unsuccessful in Endeavors of that nature, till *England*, in *Qu. Elizabeth's* time by espousing their Cause and undertaking their Quarrel, not only wrought out their Safety, but made them flourish. This the *Court of Rome* and the *Priests* grew immediately sensible of, and have therefore moulded all their Counsels ever since against *England*, as being both the *Bulwark* of the *Protestant Religion*, and the *Ballance* of *Europe*. All the late attempts for the Extirpation of the *Protestant Religion* in *France* and elsewhere, are much to be ascribed to the Confidence the *Papists* had in the late *King* and his Brother of their giving no Discouragement nor Obstruction to so bold a Design; and thereupon as the first *Edicts* for infringing the Liberty and weakning and oppressing *Protestants* in *France*, and the persecution in *Hungary*, commenced and bore date with the Restoration of the *Royal Family*, and multiplied, and encreased from year to year as they grew into farther assurance of the *Royal Brothers* approving as well as conniving at what was done; so that for the abolition of the *Edict of Nantz*, and the total Suppression of the *Reformed Religion* in *France*, was emitted upon his present Majesty's being exalted to the *Throne*, and the encouragement he gave them

them to a Procedure, which as he now justifies he will hereafter imitate. It were to suppose *English Protestants* exceedingly unacquainted with the *History* of their own *Nation*, to give a long Deduction of what the *Papists* have attempted for the *Extirpation* of our *Religion*, while we had *Princes* on the *Throne* whose Belief and Principles in Christianity, led them to assert and defend the *Reformation*, and who had Courage as well as Integrity to punish those that conspired against it. Their many Conjurings against Queen *Elizabeth's* Person, and their repeated Endeavors of bringing in *Foreigners*, and of betraying the Nation to the *Spaniards*, who were to convert the *Kingdom* as they had done the *West-Indies* by killing the Inhabitants, are sufficiently known to all who have allowed themselves leisure to read, or who have been careful to remember what they have been often told by those that have inspected the *Memoirs* of those times. The *Gunpowder-plot* with the Motives unto it, and the extent of the mischief it was shapen for, together with the insurrection they were prepared for in case it had succeeded, and the foreign aid they had been soliciting and were promised, and all for the *extirpation* of *English Hereticks*, are things so modern, and which we have had so many times related to us by our Fathers, that it is enough barely to intimate them. The *Irish Massacre* in which above 200000 were murder'd in cold blood, and to which there was no provocation but that of *barred* to our *Religion*, and furious zeal to extirpate *Hereticks*, ought at this time to be more particularly reflected upon, as that which gives us a true scheme of the manner of the *Church of Rome's* converting *Protestant* Kingdoms, and being the Copy they have a mind to write after, and that in such Characters and lines of blood as may be sure to answer the *Original*. At the season when they both entred upon and executed that hellish conjuration, they were in a quiet and peaceable enjoyment of the private exercise of their *Religion*, yea had many publick meeting-places, thro the means of the *Queen* and many great friends which they had at *Court*, and were neither disturbed for not coming to Church, nor suffered any severities upon the account of their Profession; but that would not satisfy, nor will any thing else, unless they may be allowed to cut the throats, or make *bonfires*, of all that will not join with them in a blind obedience to the *Sea of Rome*, and of worshipping *S. Patrick*. The little harsh usages which the *Papists* at any time met with there or in *England*, they derived them upon themselves by their Crimes against the *State*, and for their *Conspiracies* against our *Princes* and their *Protestant Subjects*. For till the *Pope* had taken upon him to depose Queen *Elizabeth*, and absolve her *Subjects* from their *Allegiance*, and till the *Papists* had so far approved that *Act* of his Holiness as to raise *Rebellions* at home and enter into treasonable confederacies abroad, there were no *Laws* that could be stiled severe enacted in *England* against *Papists*, and the making of them was the result of necessity in order to preserve our selves, and not from an inclination to hurt any for matters of mere Religion. Such hath always been the moderation of our *Rulers*, and so powerful are the incitements to lenity, which the generality of *Protestants* through the influence and impression of their Religion, especially they of a more generous education, have been under towards those of the *Roman* Communion, that nothing but their unwearied restlessness to disturb the Government and destroy *Protestants*, hath been the cause either of enacting those *Laws* against them that are stiled rigorous, or of their having been at any time put into execution. And notwithstanding that some such *Laws* were enacted as might appear to favour of severity, yet could they have but submitted to have dwelt peaceably in the Land, they would have found that their mere belief and the private practice of their Worship, would not have much prejudiced or endangered them, and that tho the *Laws* had been continued unrepealed, yet it was only as a Hedge about us for our protection, and as Bonds of obligation upon them to their good behaviour. To which may be added, that more *Protestants* have suffered in one year, by the *Laws* made against *Dissenters*, and to the utmost height of the penalties which the violation of them imported, and that by the instigation of *Papists* and their influence over the late King and his present Majesty, than there have *Papists* from the beginning of Queen *Elizabeth's* Reign to this very day, tho there was a difference in the punishments they underwent. However we may from their many and repeated attempts against us, while we had *Princes* that both would and could chasten their insolencies, and inflict upon them what the Law made them obnoxious unto for their outrages, gather and conclude what we are now to expect, upon their having obtained a King imbued with all the persecuting and bloody principles of Popery, and perfectly baptised into all the Doctrines of the *Councils of Lateran and Constance*. And it may strengthen our faith as well as increase our fear, of what is purposed against and impends over us, in that they cannot but think that the suffering our Religion to remain in a condition to be at any time hereafter the Religion of the State, and of the universality of the People, may not only prove a means of retrieving Protestantism in *France*, and of assisting to



revenge the barbarities perpetrated there upon a great and innocent people, but may leave the *Roman Catholics* in *England* exposed to the resentment of the *Kingdom*, for what they have so foolishly and impudently acted both against our *Civil Rights*, and *Established Religion*, since *James II.* came to the Crown; and may also upon the Government's falling into good hands, and Magistrates coming to understand their true Interest, which is for an *English Prince* to make himself the Head of the *Protestant cause*, and to espouse their quarrel in all places, give such a Revolution in *Europe* as will not only check the present Career of *Rome*, but cause them repent the methods in which they have been engaged. These things we may be sure the *Papists* are aware of, and that having proceeded so far, they have nothing left for their security from punishments because of crimes committed, but to put us out of all capacity of doing our selves Right and them Justice; and he must be dull who does not know into what that must necessarily hurry them.

It being then as evident as a matter of this nature is capable of, what we are to expect and dread from the King both as to our *Religion* and *Laws*; we may do more than presume that the late *Declaration for liberty of Conscience*, and the *Proclamation for a Toleration*, are not intended and designed for the benefit and advantage of the *Reformed Religion*, and that whatsoever motives have influenced to the granting and emitting of them, they do not in the least flow or proceed from any kindness and good will to *Protestant Dissenters*. And though many of those weak and easie People may flatter themselves with a belief of an interest in the *Kings* favour, and suffer others to delude them into a persuasion of his bearing a gracious respect towards them; yet it is certain, that they are People in the world whom he most hates, and who when things are ripe for it, and that he hath abused their credulity into a serving his Ends as far as they can be prevailed upon, and as long as the present *Juggle* can be of any advantage for promoting the *Papal Cause*, will be sure not only to have an equal share in his displeasure with their Brethren of the Church of *England*, but will be made to drink deepest in the cup of fury and wrath that is mingling and preparing for all *Protestants*. No provocation from their present behaviour, tho it is such as might warm a person of very cool temper, much less offences of another complexion administered by any of them, shall ever tempt me to say they deserve it, or cause me to ravel into their former and past carriages, so as to fasten a blot or imputation upon the party or body of them, whatsoever I may be forced to do as to particular persons among them. For as to the generality, I do believe them to be as honest, industrious, useful, and vertuous a people (tho many of them be none of the wisest nor of the greatest prospect) as any party of men in the *Kingdom*, and that wherein soever their carriage (even abstracting from their differences with their Fellow *Protestants* in matters of Religion) hath varied from that of other Subjects; they have been in the Right, and have acted most agreeably to the interest and safety of the *Kingdom*. But it can be no reflection upon them, to recall into their memories, that the whole tenor of the *King's* actions towards them both when Duke of *Tork* and since he came to the Crown, hath been such as might render it beyond dispute, that they are so far from having any singular room in his favour, that he bears them neither pity nor compassion, but that they are the objects of his unchangeable indignation. For not to mention how the Persecutions, that were observed always to relent both upon his being at any distance from the late *King*, and upon the abatement of his influence at any time into Counsels, were constantly revived upon his return to *Court*, and were carried on in degrees of severity proportionable to the figure he made at *Whitehall* and his *Brothers* disposedness and inclination to hearken to him; surely their memories cannot be so weak and untenacious, but they must remember how their sufferings were never greater, nor the *Laws* executed with more severity upon them, than since his Majesty came to ascend the *Throne*. As it is not many years since he said publicly in *Scotland*, that it were well if all that part of the *Kingdom*, (which is above half of the Nation) where the *Dissenters* were known to be most numerous, were turned into a burning field; so none were favoured and promoted either there or in *England*, but such as were taken to be the most fierce and violent of all others against *Fanatics*. Nor were men preferred either in Church or State for their learning, virtue or merit; but for their passionate heats and brutal rigours to *Dissenters*. And whereas the *Papists* from the very first day of his arrival at the Government, had beside many other marks of his Grace, this special Testimony of it, of not having the penal Statutes to which they stood liable put in execution against them; all the *Laws* to which the *Dissenters* were obnoxious, were by his Majesty's Orders to the *Judges*, *Justices of the Peace*, and all other Officers *Civil* and *Ecclesiastical* most unmercifully executed. Nor was there the least talk of lenity to *Dissenters*, till the *King* found that he could not compass his Ends by the Church of *England*, and prevail upon the *Parliament* for repealing the *Tests*, and cancelling the

other *Laws* in force against *Papists*, which if they could have been wrought over unto, the *Fanaticks* would not only have been left Pitiless, and continued in the Hands of the furious Church men to exercise their Spleen upon, but would have been surrendered as a Sacrifice to new Flames of Wrath, if they of the Prelatical Communion had retained their wonted Animosity, and thought it for their Interest to exert it, either in the old or in fresh Methods. But that Project not succeeding, his Majesty is forced to shift Hands, and to use the Pretence of extending Compassion to *Dissenting Protestants*, that he may the more plausibly, and with the less Hazard, suspend and disable the *Laws* against *Papists*, and make way for their Admission into all Offices Civil and Military, which is the first Step, and all that he is yet in a Condition to take, for the *Subversion* of our Religion. And all the celebrated Kindness to *Fanaticks*, is only to use them as the Cat's Paw, for pulling the Chequer out of the Fire to the *Monkey*, and to make them *stales* under whole Shroud and Covert, the Church of *Rome* may undermine and subvert all the *legal Foundations* of our Religion, which to suffer themselves to be Instrumental in, will not in the Issue turn to the Commendation of the *Dissenters* Wisdom or their *Honesty*. Nor is there more Truth in the King's declaring it to have been his constant Opinion, that Conscience ought not to be constrained, nor People forced in Matters of mere Religion, than there is of Justice in that malicious Insinuation, (in his Letter to Mr. *Alsop*) against the Church of *England*, That should he see cause to change his Religion, he should never be of that Party of *Protestants*, who think their only way to advance their Church, is by undoing those Churches of *Christians* that differ from them in smaller Matters: Forasmuch as he is in the mean time a Member of the most Persecuting and Bloody Society, that ever was clothed with the name of a Church, and whose Cruelty towards Protestants he is careful not to Arraign, by fastning his Offence at Severity upon Differences in smaller Matters, which he knows that those between *Rome* and us are not, nor so accounted of by any of the *Papal Fellowship*. It were to be wished that the *Dissenters* would reflect and consider, how when the late King had emitted a Declaration of Indulgence, Anno 1672. upon pretended Motives of Tenderneſs and Compassion to his Protestant Subjects, but in truth to keep all quiet at home, when in Conjunction with *France*, he was engaging in an unjust War against a Reformed State abroad, and in order to steal a Liberty for the *Papists* to Practise their Idolatries, without incurring a Suspicion himself, of being of the *Romish Religion*, and in hope to wind up the Prerogative to a Paramount Power over the Law; and how when the *Parliament* condemned the Illegality of it, and would have the Declaration recalled, all his Kindness to *Dissenters* not only immediately vanished, but turned into that Rage and Fury, that tho both that *Parliament* addressed for some Favor to be shew'd them, and another voted it a Betraying of the Protestant Religion to continue the Execution of the Penal Laws upon them, yet instead of their having any Mercy or Moderation exercised towards them, they were thrown into a Furnace, made seven times hotter than that wherein they had been scorched before. And without pretending to be a Prophet, I dare prognosticate and foretell, that whensoever the present King hath compassed the Ends, unto which this Declaration is designed to be subservient, namely, the placing the *Papists* both in the open Exercise of their Religion, and in all publick Offices and Trusts, and the getting a Power to be acknowledged vested in him over the *Laws*; that then, instead of the still Voice calmly whispered from *Whitehall*, they will both hear and feel the Blasts of a mighty rushing Wind, and that upon pretended Occasions arising from the Abuse of this Indulgence, or for some alledged Crimes wherein they and all other Protestants are to be involved, (tho their supineness and excess of Loyalty continue to be their greatest Offences) this Liberty will not only be withdrawn, and the old Church of *England* Severities revived, but some of the new *à la mode à France* Treatments come upon the Stage, and be pursued against them, and all other perverse and obstinate *British Hereticks*.

The Declaration for Liberty of Conscience, being injurious to the Church of *England*, and not proceeding from any inward and real good Will to the *Dissenters*; it will be worth our pains to inquire into, and make a more ample Deduction of the Reasons upon which it was granted, that the Grounds of emitting it being laid under every Man's view, they who have Addressed may come to be ashamed of their Simplicity and Folly, they who have not, may be farther confirm'd both of the Unlawfulness and Inconveniency of doing it, and that all who preserve any regard to the Protestant Religion and the Laws of *England*, may be quickened to the use of all legal and due means for preventing the mischievous Effects which it is shapen for, and which the *Papists* do promise themselves from it. The Motives upon which His Majesty published the Declaration, may be reduced to three, of which, as I have already made some mention, so I shall now place every one of them in its several and proper light, and give such Proofs and Evidence of their being the great and sole Inducements for the Emitting of it, that no rational Man shall be able, henceforth, to make a doubt of it. The first is the King's winding himself into a Supremacy and

and *Absoluteness* over the *Law*, and the getting it acknowledged, and calmly submitted unto and acquiesced in by the *Subjects*. The *Monarchies* being *Legal* and not *Despotic*, bounded and regulated by *Laws*, and not to be exercised according to mere *Will* and *Pleasure*, was that which he could not digest the thoughts of when a *Subject*, and had been heard to say, *That he had rather Reign a day in that Absoluteness than the French King doth, than an Age tied up and restrained by Rules as his Brother did.* And therefore to persuade the Prince of *Orange* to approve what he had done, in dispensing with the *Laws*, and to obtain him and the *Princes* to joyn with His *Majesty*, and to employ their Interest in the Kingdom for the *Repealing* the *Test Acts*, and the many other *Statutes* made against *Roman Catholics*, he used this Argument in a Message he sent to their *Royal Highnesses* upon that Errand, that the getting it done, would be greatly to the Advantage, and for the increase of the *Prerogative*; but this these two noble *Princes*, of whose Ascent to the Throne all Protestants have so near and comfortable a Prospect, were too Generous, as well as Wise, to be wheedled with, as knowing that the Authority of the *Kings* and *Queens* of *England* is great enough, by the Rules of the *Constitution*, without grasping at a new *Prerogative Power*, which as the *Laws* have not vested in them, so it would be of no use, but to inable them to do hurt. And indeed it is more necessary, both for the Honor and Safety of the *Monarch*, and for the Freedom and Security of the *People*, that the *Prerogative* should be confined within its ancient and legal Channels, than be left to that illimited and unbounded Latitude, which the late *King* and his present *Majesty* have endeavored to advance and screw it up unto. That both the *Declaration for Liberty of Conscience* in *England*, and the *Proclamation for a Toleration* in *Scotland*, are calculated for raising the *Sovereign Authority* to a transcendent Power over the *Laws* of the two Kingdoms, may be demonstrated from the Papers themselves, which lay the *Dispensing Power* before us in terms that import no less than his *Majesty's* standing Free and absolved from all Ties and Restraints, and his being clothed with a Right of doing whatsoever he will. For if the *Stile* of *Royal Pleasure* to suspend the Execution of such and such *Laws*, and to forbid such and such *Oaths* to be required to be taken, and this in the virtue of no *Authority* declared by the *Laws* to be resident in his *Majesty*, but in the virtue of a certain vagrant and indeterminate thing called *Royal Prerogative*, as the Power exercised in the *English Declaration* is worded and expressed, be not enough to enlighten us sufficiently in the matter before us; the *Stile* of *Absolute Power*, which all the *Subjects* are to obey without reserve, whereby the *King* is pleased to chalk before us, the *Authority* exerted in the *Scots Proclamation*, for the stopping, disabling, and dispensing with such and such *Laws* as are there referred unto, and for the granting the *Toleration* with the other *Liberties*, *Immunities* and *Rights* there mentioned, is more than sufficient to set the Point we are discoursing beyond all possibility of rational controll. As 'tis one and the same Kind of *Authority* that is claimed over the *Laws* and *Subjects* of both Kingdoms, tho for some certain reasons it be more modestly designed and expressed in the *Declaration for a Liberty* in *England*, that it is in the *Proclamation for a Toleration* in *Scotland*; so the utmost that the *Czar of Mosco*, the great *Mogul*, or the *Turkish Sultan* ever challenged over their respective Dominions, amounts only to an *Absolute Power*, which the *King* both owns the Exertion of, and makes it the *Fountain* of all the *Royal Acts* exercised in the forementioned Papers. And as the improving this challenged *Absolute Power* into an *Obligation* upon the *Subjects* to obey his *Majesty* without reserve, is a *Paraphrase* upon *Despotic Dominion*, and an advancing it to a Pitch, above what any of the Ancient or Modern *Tyrants* ever dream'd of, and beyond what the most servile part of Mankind was ever acquainted with, till the present *French King* gave an Instance of it, in making his mere *Will* and *pleasure* to be the Ground and Argument upon which his Reformed *Subjects* were to renounce their Religion, and to turn *Roman Catholics*; so it is worth considering, whether His *Majesty*, who glories to imitate that *Foreign Monarch*, may nor, in a little time, make the like Application of this *Absolute Power*, which his *Subjects* are bound to obey without reserve; and whether in that case, they who have Addressed to thank him for his *Declaration*, and thereby justified the Claim of this *Absolute Power*, being that upon which the *Declaration* is superfructed, and from which it emergeth, can avoid paying the Obedience that is demanded as a Duty in the *Subject*, inseparably annexed thereunto. That which more confirms us, that the *English Declaration* and the *Scots Proclamation*, are not only designed for the obtaining from the *Subjects* an Acknowledgment of an *Absolute Power* vested in the *King*, but that no less than the *Usurpation* and *Exercise* of such a Power, can warrant and support them, are the many *Laws* and *Rights*, which a Jurisdiction is challenged over and exerted in reference unto, in the Papers stiled by the forementioned Names. All confess a *Royal Prerogative* settled on the *Crown*, and appertaining to the *Royal Office*; nor can the

Supreme



Supreme Magistrate be executed and discharged to the Advantage and Safety of the Community, without a Power affixed unto it of superceding the Execution of some *Laws* at certain Junctures, nor without having an Authority over the Rights of particular Men in some incident cases; but then the received Customs of the respective Nations, and the universal Good, Preservation and Safety of the People in general, are the Measures by which this Prerogative in the Crown is to be regulated, and beyond which to apply or exert it, is an *Usurpation* and *Tyranny* in the *Ruler*. All the Power belonging to the *Kings* and *Queens* of *England* and *Scotland*, ariseth from an Agreement and Concession of the People, wherein it is stipulated, what *Rights*, *Liberties* and *Privileges* they reserved unto themselves, and what *Authority* and *Jurisdiction* they delegated and made over unto the *Sovereign*, in order to his being in a Condition to protect and defend them, and that they may the better live in *Peace*, *Freedom* and *Safety*, which are the *Ends* for which they have chosen *Kings* to be over them, and for the compassing whereof, they originally submitted unto, and pitched upon such a *Form* of *Civil Administration*. Nor are the *Opinions* of particular Men, of what Rank or Order soever they be, to be admitted as an Exposition of the Extent of this *Prerogative*, seeing they, through their Dependencies upon the *King*, and their *Obnoxiousness* to be influenced by selfish and personal *Ends*, may enlarge it beyond what is for the Benefit of the *Community*; but the immemorial course of *Administration*, with the Sense of the whole *Society* signified by their *Representatives* in *Parliament* upon emerging *Occasions*, are to be taken for the *Sense*, *Paraphrase* and *Declaration* of the *Limits* of this *Royal* and *Prerogative Power*; and for any to determine the Bounds of it from the Testimonies of *Mercenary Lawyers*, or *Sycophant Clergy-men*, in Cases wherein the *Parliament* have, by their *Votes* and *Resolutions*, settled its *Boundaries*, is a Crime that deserves the severest *Animadversion*, and, which it is to be hoped, a true *English Parliament* will not let pass unpunished. Now a Power arising from *Royal Prerogative*, to suspend and disable a great number of *Laws* at once, and they of such a Nature and Tendency, as the great Security of the People consists in their being maintained, and which the whole *Community* represented in *Parliaments* have often disallowed and made void Princes meddling with, so as to interrupt their Execution and Course, is so far from being a *Right* inherent in the *Crown*, that the very pretending unto it, is a changing of the *Government*, and an overthrowing of the *Constitution*. Fortescue says, That *Rex Angliæ populum Gubernat non merâ potestate Regiâ, sed politicâ; quia populus iis legibus gubernatur quas ipse fert*; the *King* of *England* doth not so properly Govern by a Power that is *Regal*, as by a Power that is *Political*, in that he is bound to Rule by the *Laws*, which the People themselves chuse and enact. And both *Bract* 1.2. c.16. *Bract* and *Fleta* tell us, That *Rex Angliæ habet superiores, viz. legem per quam factus est* *Flet* 1.2. c.17. *Rex, ac Comites & Barones qui debent ei frænum ponere*; the *King* of *England* hath for *Superiors*, both the *Law* by which he is constituted *King*, and which is the measure of his *Governing Power*, and the *Parliament* which is to restrain him, if he do amiss. And thereupon we have not only that other Saying of *Bract*, That *Nihil aliud potest Rex, nisi id solum quod jure potest*; The *King* can do nothing but what he can do by *Law*: But we have that Famous Passage in our *Parliament Rolls*, *Non est ulla Regis prerogativa, quæ ex justitia & æquitate quicquam derogat*: That there is no *Prerogative* belongs to the *King*, by which he can decline from acting according to *Law* and *Justice*. So careful were our *Ancestors* both in *England* and *Scotland*, to preserve their *Laws* from being invaded and superceded by their *Kings*; that they have not only by divers *Parliamentary Votes* and *Resolutions*, and by several *Statutes*, declared all *Dispensations* by the *King*, from *Laws* and enjoyned *Oaths*, to be null and void, and not admissible by the *Judges* or other *Executors* of *Law* and *Justice*; but they have often *Impeached*, *Arraigned* and *Condemned* those to one *Penalty* or another, that have been found to have counselled and advised *Kings* to an *Usurpation* of Power over the *Laws*, and to a Violation of established and enacted *Rules*. It would draw this Discourse to a length beyond what is intended, should I mention the several *Laws* against *Papists* as well as against *Dissenters*, that are *suspended*, *stop'd*, *disabled* and *dispensed* with, in the two forementioned *Royal Papers*, and it would be an extending it much more, should I make the several *Reflections* that the matter is capable of, and which a Person of a very ordinary Understanding cannot be greatly to seek for; I shall therefore only take notice of two or three *Efforts* which occur there, of this *Royal Prerogative* and *Absolute Power*, which as they are very bold and ample *Exertions* of them for the first time; so should the next *Exercises* of them be proportionable, there will be nothing left us of the *Protestant Religion*, or of *English Liberties*, and we must be contented to be *Papists* and *Slaves*, or else to stand adjudged to *Tyburn* and *Smithfield*. One is the *Suspending the Laws* which enjoin the *Oaths* of *Allegiance* and *Supremacy*, and the prohibiting that these *Oaths* be at any time hereafter required to be taken; by which single *Exercise* of *Royal Prerogative* and *Absolute Power*, the two *Kingdoms* are not only again subjected to a *Foreign Jurisdiction*, the *Miseries* whereof they groaned

De Laudib.

Leg. Angl. c.9.

Bract. 1.2. c.16.

Flet. 1.2. c.17.

Lib. 3. cap.9.

Rot. Parl. 7.

Hen.4.Num.59

groaned under for several Ages ; but as the *King* is hereby deprived of the greatest *Security* he had from his *Subjects*, both to himself and the *Government*, so the *Crown* is rob'd of one of its chiefest Jewels, namely, an *Authority* over all the *Subjects*, which was thought so essential to *Sovereignty* and *Royal Dignity*, that it was annexed to the *Imperial Crown* of *England*, and adjudged inherent in the *Monarch*, before the *Reformed Religion* came to be received and established. And it concerns their *Royal Highnesses* of *Orange*, to whom the *Right* of succeeding to the *Crown* of *Great Britain* unquestionably belongs, to consider whether his Majesty may not, by the same *Authority* whereby he alienates and gives away so considerable and inherent a *Branch* of the *Royal Jurisdiction*, transfer the *Succession* it self, and dispose the *Inheritance* of the *Crown* to whom he pleaseth. Nor will they about him, who thrust the last *King* out of the *Throne*, to make room for his present Majesty, much scruple to put a *Protestant Successor* by it, if they can find another *Papist* as *Bigotted* as this to advance unto it. However, were they on the *Throne* to morrow, here is both a *Foreign Jurisdiction* brought in and set up to Rival and control theirs, and they are deprived of all means of being secured of the *Loyalty* and *Faith* of a great number of their *Subjects*. Nor will His Majesty's certain *Knowledge* and long *Experience* (whereof he boasts in the *Scots Proclamation*) that the *Catholicks*, as it is their *Principle* to be good *Christians*, so it is to be dutiful *Subjects*, be enough for their *Royal Highnesses* to rely upon, their *Religion* obliging them to the contrary towards *Princes*, whom the *Church of Rome* hath adjudged to be *Hereticks*. A second Instance wherein this pretended *Royal Prerogative* is exercised Paramount to all *Laws*, and which nothing but a claim of *Absolute Power* in his Majesty can support, and an Acknowledgment of it by the *Subjects*, make them approve the *Declaration for Liberty of Conscience*, and the *Proclamation for Toleration* ; is the stopping, disabling and suspending the *Statutes* whereby the *Tests* were enacted, and thereby letting the *Papists* in to all *Benefices*, *Offices*, and *Places of Trust*, whether *Civil*, *Military*, or *Ecclesiastick*. I do not speak of Suspending the Execution of those *Laws*, whereby the being *Priests*, or taking *Orders* in the *Church of Rome*, or the being reconciled to that *Church*, or the *Papists* meeting to celebrate *Mass*, were in one degree or another made Punishable, (tho the *King's* dispensing with them by a challenged Claim in the *Crown* be altogether *Illegal*) for as divers of these *Laws* were never approved by many *Protestants*, so nothing would have justified the making of them, but the many *Treasons* and *Conspiracies* that they were from time to time found guilty of against the *State*. And as the *Papists*, of all Men, have the least cause to complain of the *Injustice*, *Rigor*, and *Severity* of them, considering the many *Laws*, more *Cruel* and *Sanguinary*, that are in Force in most *Popish* Countries against *Protestants*, and these enacted and executed merely for their *Opinions* and *Practices* in the *Matters* of *God*, without their being chargeable with *Crimes* and *Offences* against the *Civil Government* under which they live, so were it necessary from *Principles* of *Religion* and *Policy*, to relieve the *Roman Catholicks* from the forementioned *Laws*, yet it ought not to be done but by the *Legislative Authority* of the *Kingdoms* ; and for the *King* to assume a *Power* of doing it in the vertue of a pretended *Prerogative*, is both a high *Usurpation* over the *Laws*, and a *Violation* of his *Coronation Oath*. Nor is it any *Commendation* either of the *Humanity* of the *Papists*, or of the *Meekness* and *Truth* of their *Religion*, that while they elsewhere treat those who differ from them in *Faith* and *Worship* with that *Barbarity*, they should so clamorously inveigh against the *Severities* which in some *Reformed States* they are liable unto, and which their *Treasons* gave the *Rise* and *Provocation* unto at first, and have been at all times the *Motives* to the *Infliction* of. But they alone would have the *Allowance* to be *Cruel*, wherein they act consonantly to their own *Tenets* ; and I wish that some *Provision* might be made for the future, for the *Security* of our *Religion*, and our *Safety* in the *Profession* of it, without the doing any thing that may unbecome the *Merciful Principles* of *Christianity*, or be unfuitable to the meek and generous *Temper* of the *English Nation* ; and that the *Property* of being *Sanguinary* may be left to the *Church of Rome*, as its peculiar *Privilege* and *Glory*, and as a more distinguishing *Character* than all the other *Marks* which she pretends unto. That which I am speaking of, is the Suspending the Execution of those *Laws*, by which the *Government* was secured of the *Fidelity* of its *Subjects*, and by which they, in whom it could not confide, were merely shut out from *Places of Power* and *Trust*, and were made liable to very small *Damages* themselves, and only hindered from getting into a *Condition* of doing *Mischief* to us. All *Governments* have a *Right* to use means for their own *Preservation*, provided they be not such as are inconsistent with the *Ends* of *Government*, and repugnant to the *Will* and *Pleasure* of the *Supreme Sovereign* of *Mankind* ; and it is in the *Power* of every *Legislative Assembly*, to declare who of the *Community* shall be capable or incapable of publick *Impleys*, and of possessing *Offices*, upon which the *Peace*, *Welfare* and *Security* of the whole *Politick Body* does depend. Without this no *Government* could



subſiſt, nor the People be in Safety under it; but the Conſtitution would be in conſtant danger of being Subverted, and the Privileges, Liberties and Religion of the *Subjects* laid open to be overthrown. And ſhould ſuch a Power in *Legiſlators*, be upon weak Suſpicions and ill grounded Jealouſies, carried at any time too far, and ſome prove to be debarred from Truſts, whoſe being employed would import no Hazard; yet the worſt of that, would be only a diſreſpect ſhewn to individual Perſons, who might deſerve more Favor and Eſteem, but could be of no Prejudice to the *Society*, there being always a ſufficient number of others, fit for the diſcharge of all *Offices*, in whom an entire Confidence may be repoſed. And 'tis remarkable, that the *States General* of the *United Provinces*, who afford the greateſt Liberty to all Religions, that any known State in *Europe* giveth; yet they ſuffer no Papiſts to come into Places of *Auſority* and *Judicature*, nor to bear any Office in the Republick, that may either put them into a Condition, or lay them under a Temptation of attempting any thing to the Prejudice of Religion, or for the betraying the Liberty of the Provinces. And as 'tis Lawful for any Government to preclude all ſuch Perſons from publick Truſts, of whoſe Enmity, and ill Will to the Eſtabliſhment in Church or State, they have either a moral Certainty, or juſt Grounds of Suſpition; ſo 'tis no leſs lawful to provide Teſts for their Diſcovery and Detection, that they may not be able to mask and vizard themſelves in order to getting into Offices, and thereupon of promoting and accompliſhing their miſchievous and malicious Intentions. Nor is it poſſible in ſuch a caſe, but that the Teſts they are to be tried by, muſt relate to ſome of thoſe Principles by which they are moſt eminently diſtinguiſhed from them of the National Settlement, and in reference whereunto they think it moſt piacular, to diſſemble their Opinion. Nor have the Papiſts cauſe to be offended, that the *Renouncing the Belief of Tranſubſtantiation*, ſhould be required as the diſtinguiſhing Mark, whereby, upon their reſuſal, they may be diſcerned, when all the Penality upon their being known, is only to be excluded from a Share in the *Legiſlation*, and not to be admitted to Employments of Truſt and Profit; ſeeing it hath been, and ſtill is their Cuſtom, to require the *Belief of the Corporal Preſence in the Sacrament*, as that upon the not Acknowledgment whereof, we are to be accounted *Hereticks*, and to ſtand condemned to be Burnt, which is ſomewhat worſe than the not being allowed to ſit in the *Two Houſes of Parliament*, or to be ſhut out from a *Civil* or *Military Office*. Neither are they required to Declare, much leſs to Swear, that the *Doctrine of Tranſubſtantiation* is *False*, or that there is no ſuch thing as *Tranſubſtantiation*, (as is affirmed in a Scurrilous Paper written againſt the Loyalty of the Church of *England*) but all that is enjoyned in the *Teſt Acts*, is, that I, A. B. do declare, that I do believe that there is not any *Tranſubſtantiation* in the *Sacrament of the Lords Supper*, or in the *Elements of Bread and Wine*, at or after the *Conſecration thereof by any Perſon whatſoever*. Tho the Parliament was willing to uſe all the Care they could, for the diſcovering Papiſts, that the Proviſion for our Security, unto which thoſe Acts were deſigned, might be the more effectual; yet they were not ſo void of Underſtanding, as to preſcribe a Method for it, which would have expoſed them to the World for their Folly: 'Tis much different to ſay, Swear, or Declare, that I do believe there is not any *Tranſubſtantiation*, and the ſaying or declaring that there is not a *Tranſubſtantiation*; the former being only expreſſive of what my Sentiment or Opinion is, and not at all affecting the Doctrine it ſelf, to make, or unmake it, other than what it is, independently upon my Judgment of it; whereas the latter does primarily Affect the Object and the Determination of its Exiſtence to ſuch a Mode as I conceive it; and there are a thouſand things which I can ſay that I do not believe, but I dare not ſay that they are not. Now as 'tis the diſpenſing with theſe Laws that argues the King's aſſuming an *Absolute Power*; ſo the Addreſſing by way of Thanks, for the Declaration wherein this Power is exerted, is no leſs than an owning and acknowledging of it, and that it rightfully belongs to him. There is a third thing which Shame or Fear would not ſuffer them to put into the Declaration for Liberty of Conſcience in *England*, but which they have had the Impudence to infer into the Proclamation for a Toleration in *Scotland*, which as it carries *Absolute Power* written in the forehead of it, ſo it is ſuch an unpreſidented Exerciſe of Deſpoticalneſs, as hardly any of the *Oriental Tyrants*, or even the *French Leviathan* would have ventured upon. For having ſtop'd, diſabled and ſuſpended all *Laws* enjoyning any Oaths, whereby our Religion was ſecured, and the Preſervation of it to us and our Poſterity was provided for; he impoſeth a new Oath upon his *Scottiſh Subjects*, whereby they are to be bound to defend and maintain him, his Heirs and lawful Succeſſors, in the Exerciſe of their *Absolute Power and Authority againſt all deadly*. The impoſing an Oath upon Subjects hath been always look'd upon as the higheſt Act of *Legiſlative Authority*, in that it affects their Conſciences, and requires the Approbation, or Diſapprobation of their Minds and Judgments, in reference to whatſoever it is enjoyned for; whereas a Law that affects only Mens Eſtates may be ſubmitted unto, tho in the mean time they think that which is exacted of them to be



be Unreasonable and Unjust. And as it concerns both the Wisdom and Justice of *Law-givers* to be very tender in ordaining *Oaths* that are to be taken by *Subjects*, and that not only from a care that they may not prostitute the Name of *God* to Prophanation, when the matter about which they are imposed, is either light and trivial, or dubious and uncertain; but because it is an Exercise of Jurisdiction over the Souls of Men, which is more than if it were only exercised over their *Goods, Bodies and Privileges*; so never any of our Kings pretended to a Right of enjoying and requiring an *Oath* that was not first enacted and specified in some *Law*; and it would have been heretofore accounted a good Plea for refusing such or such an *Oath*, to say there was no Statute that had required it. It was one of the Articles of High Treason (and the most material) charged upon the Earl of *Strafford*, that being *Lord Deputy of Ireland*, he required an *Oath* of the *Scots* who inhabited there, which no *Law* had ordained or prescribed; which may make those Counsellors who have advised the King to impose this new *Oath*, as well as all others that shall require it to be taken upon his Majesty's bare Authority, to be a little apprehensive, whether it may not at some time rise in Judgment against them, and prove a Forfeiture of their Lives to Justice. And as the imposing an *Oath* not warranted by *Law*, is an high Act of *Absolute Power*, and in the King an altering of the Constitution; so if we look into the *Oath* it self, we shall find this *Absolute Power* strangely manifested and displayed in all the Parts and Branches of it, and the People required to Swear themselves his Majesty's most obedient *Slaves and Vassals*. By one Paragraph of it, they are required to Swear that it is unlawful for *Subjects*, on any pretence, or for any Cause whatsoever, to rise in Arms against him, or any Commissioned by him; and that they shall never resist his Power or Authority; which as it may be intended for a Foundation and means of keeping Men quiet when he shall break in upon their *Estates*, and overthrow their Religion, so it may be designed as an Encouragement to his *Catholic Subjects*, to set upon the Cutting *Protestants Throats*, when by this *Oath* their Hands are tied up from hindering them. It is but for the *Papists* to come Authorized with his Majesty's Commission, which will not be denied them for so meritorious a Work, and then there is no Help nor Remedy, but we must stretch out our Necks, and open our Breasts, to their Consecrated Swords, and Sanctified Daggers. Nay, if the King should transfer the Succession to the Crown from the *Rightful Heir*, to some zealous *Romanist*, or *Alienist*, and dispose of his Kingdoms in way of Donation and Gift to the Pope, or to the Society of the *Jesuits*; and for the better securing them in the Possession hereafter, should invest and place them in the Enjoyment of them while he lives; the *Scots* are bound, in the virtue of this *Oath*, tamely to look on, and calmly to acquiesce in it. Or should his Physicians advise him to a mighty Variety of *Matrons and Maids*, as the best Remedy against his malignant and venomous Heats; all of that Kingdom are bound to surrender their *Wives and Daughters* to him, with a dutiful Silence and a profound Veneration. And if by this *Oath* he can secure himself from the Opposition of his *Dissenting Subjects*, in case through recovery of their Reason, a Fit of ancient Zeal should surprize them; he is otherways secured of an *Asiatick Tameness* in his Prelatical People, by a Principle which they have lately imbib'd, but neither learned from their Bibles, nor the Statutes of the Land. For the *Clergy*, upon thinking that the Wind would always blow out of one quarter, and being resolv'd to make that a Duty by their Learning, which their Interest at that season made convenient; have preached up the Doctrine of *Passive Obedience* to such a boundless height, that they have done what in them lyes, to give up themselves and all that had the Weakness to believe them, fettered and bound for *Sacrifices* to *Popish Rage and Despotick Tyranny*. But for my self (and I hope the like of many others,) I thank God I am not tainted with that slavish and adulatory Doctrine, as having always thought that the first Duty of every Member of a *Body Politick*, is to the Community, for whose Safety and Good *Governors* are instituted, and that it is only to *Rulers*, as they are found to answer the main Ends they are appointed for, and to Act by the legal Rules that are Chalk'd out unto them. Whether it be from my Dullness, or that my Understanding is of a perverser make than other Mens, I cannot tell; but I could never yet be otherways minded, than that the Rules of the Constitution, and the Laws of the Republick or Kingdom, are to be the Measures both of the Sovereign's Commands, and of the Subjects Obedience; and that as we are not to invade what by Concessions and Stipulations belongs unto the Ruler; so we may not only Lawfully, but we ought to defend what is reserved to our selves, if it be invaded and broken in upon. And as without such a Right in the Subjects, all legal Governments, and mix'd Monarchies, were but empty Names, and ridiculous things; so where-soever the Constitution of a Nation is such, there the Prince, who strives to subvert the Laws of the Society, is the Traytor and Rebel; and not the People who endeavor to preserve and defend them. There is yet another Branch of the foresaid *Oath*, that is of a much more unreasonable Strain than the former, which is, That they shall, to the utmost of their Power, assist, defend and maintain him in the Exercise of this *Absolute Power and Authority*; which

which being tack'd to our Obeying without reserve, make us the greatest *Slaves* that eithe are, or ever were in the Universe. Our *Kings* were heretofore bound to Govern according to Law (and so is his present Majesty, if a Coronation Oath and faith to Hereticks, were not weaker than Sampson's cords proved to be) but instead of that, here is a new Oath imposed upon the Subjects, by which they are bound to protect and defend the King in his ruling Arbitrarily. It had been more than enough to have required only a calm submitting to the exercise of *Absolute Power*; but to be enjoined to swear to assist and defend his Majesty and Successors in all things wherein they shall exert it, is a plain destroying of all natural as well as civil Liberty, and a robbing us of that freedom that belongs unto us, both as we are men, and as we are born under a free and legal Government. For by this we become bound to drag our Brethren to the Stake, to cut their Throats, plunder their Houses, imbrow our hands in the Blood of our Wives and Children, if his Majesty please to make these the Instances wherein he will exert his *Absolute Power*, and require us to assist him in the exercise of it. As it was necessary to cancel all other Oaths and Tests, as being directly inconsistent with this; so the requiring the Scots to swear this Oath, is the highest revenge he could take for their Solemn League and Covenant, and for all other Oaths, that lust after Arbitrariness and Popish Bigottry, will pronounce to have been injurious to the Crown. But no words are sufficient to express the mischiefs wrapt up in that new Oath, or to declare the abhorrencey that all who value the Rights and Liberties of Mankind ought to entertain for it, nor to proclaim the Villany of those who shall by Addresses give thanks for the Proclamation. There may a fourth thing be added, whereby it will appear, that his Majesty's assuming *Absolute Power*, stands recorded in Capital Letters in his Declaration for liberty of Conscience. For not being contented to omit the requiring the Oaths of Allegiance and Supremacy and the Test Oaths to be taken, nor being satisfied to suspend for a season the enjoining any to be demanded to take them; he tells us that it is his Royal will and pleasure that the aforesaid Oaths shall not at any time hereafter be required to be taken, which is a full and direct Repealing of the Laws in which they are Enacted. It hath hitherto passed for an undoubted Maxim, that *corum est tollere, quorum est condere*, they can only abrogate Laws, who have Power and Authority to make them; and we have heretofore been made believe, that the Legislative power was not in the King alone, but that the two Houses of Parliament had at least a share in it; whereas here by the disabling and suspending Laws for ever the whole Legislative Power is challenged to be vested in the King, and at one dash the Government of England is Subverted and changed. Tho it hath been much disputed whether the King had a liberty of refusing to Assent to Bills relating to the benefit of the Publick that had passed the two Houses; and if there be any sense in those words of the Coronation Oath of his being bound to Govern according to the Laws, *quasi unusquisque Elegerit*, he had not; yet none till now, that his Majesty doth it, had the impudence to affirm that he might abrogate Laws without the concurrence and assent of the Lords and Commons. For to say that Oaths enjoined by Laws to be required to be taken, shall not at any time hereafter be required to be taken, is a plain Cancelling and Repealing of these Laws, or nothing of this World ever was or is; nor can the wisdom of the Nation in Parliament Assembled, find words more emphatical to declare their Abrogation, without saying so, which at this time it was necessary to forbear, for fear of alarming the Kingdom too far, before his Majesty be sufficiently provided against it. For admitting them to continue still in being and force, tho the King may promise for the non execution of them, during his own time, (which is even a pretty bold undertaking) yet he cannot assure us that the Oaths shall not be required to be taken at any time hereafter, unless he have provided for an eternal Line of Popish Successors, which God will not be so unmerciful as to plague us with, or have gotten a lease of a longer Life than Methuselah's, which is much more than the full Century of years wished him in a late Dedication, by one that stiles himself an Irishman, a thing he might have forborn telling us, because the Size of his Understanding fully declares it. However here is such a stroke and exercise of *Absolute power*, as Dissolves the Government, and brings us all into a State of Nature, by discharging us from the ties, which by virtue of Fundamental Stipulations and Statute Laws we formerly lay under; forasmuch as we know no King but a King by Law, nor no Power he hath but a legal Power. Which through disclaiming by a challenge that the whole Legislative Authority does reside in himself, he hath thrown the Gantles to three Kingdoms, and provokes them to a tryal, whether he be able to maintain his *Absoluteness*, or they to justify their being a free People. And by virtue of the same Royal will and pleasure, that he annuls (which he calls suspending) the Laws enjoining the Tests and the Oaths of Allegiance and Supremacy, and commands that none of these Oaths and Declarations shall at any time hereafter be required to be taken; he may in some following Royal Papers give us White-hall or Hampton Court Edicts, conformable to those at Versailles, which at all times hereafter we shall be bound to submit unto, and stand obliged to be ruled



led by instead of the *Common Law* and *Statute Book*. Nor is the taking upon him to stamp us new *Laws*, exclusively of *Parliamentary* concurrence, in the virtue of his *Royal Prerogative*, any thing more uncouth in it self, or more disagreeable to the *Rules* of the *Constitution* and what we have been constantly accustomed unto, than the *calling*, *disabling* and abrogating so many old ones, which that *obsolete*, out of date, as well as ill favoured thing upon *Monarchs*, called a *Parliament*, had a share in the enacting of. I will not say that our *Addressees* were conscious, that the getting an *Absolute Power* in his *Majesty*, to be owned and acknowledged, was one of the *Ends* for which the late *Declaration* was calculated and emitted, but I think I have sufficiently demonstrated both that *such* a power it issueth and flows from, and that *such* a power is plainly exercised in it. Which whether their coming now to be told and made acquainted with it, may make them repent what they have done, or at least prevent their being accessory to the support of this *Power* in other mischievous effects that are to be dreaded from it, I must leave to time to make the discovery, it being impossible to foretell what a People fallen into a *strenzie* may do in their *paroxysms* of distraction and madness.

Nor was the *scriving* himself into the possession of an *Absolute power*, and the getting it to be owned by at least a part of the people, the only *Motive* to the publishing the *Declaration for Liberty of Conscience* in *England*, and the *Proclamation for a Toleration* in *Scotland*; but a *second inducement*, that sway'd unto it, was the undermining and subverting the *Protestant Religion*, and the opening a door for the introduction and establishment of *Popery*. Nor was it from any compassion to *Dissenters*, that these two *Royal Papers* were emitted, but from his *Majesty's* tender love to *Papists*, to whom as there arise many advantages for the present, so the whole benefit will be found to redound to them in the issue. We are told (as I have already mentioned) that the King is resolved to convert *England*, or to die a *Martyr*; and we may be sure that if he did not think the suspending the penal *Laws*, and the dispensing with requiring of the *Tests*, and the granting *Liberty* and *Toleration*, to be means admirably adapted thereunto, he would not have acted so inconsistently with himself, nor in that opposition to his own designs, as to have disabled these *Laws*, and vouchsafed the Freedom that results thereupon. Especially when we are told by the *Liege Jesuit*, that the King being sensible of his growing old, finds himself thereby obliged to make the greater haste, and to take the larger steps, lest through not living long enough to effect what he intends, he should not only lose the glory of converting three Kingdoms, but should leave the *Papists* in a worse condition than he found them. His Highness the Prince of Orange very justly concludes this to be the thing aim'd at by the present *Indulgence*, and therefore being desired to approve the *Suspension* of the *Test Acts*, and to co-operate with his *Majesty* for the obtaining their being *Repealed*; was pleased to answer, That while he was, as well as professeth himself, a *Protestant*, he would not act so unworthily as to betray the *Protestant Religion*, which he necessarily must, if he should do as he was desired. Her Royal Highness the Princess of Orange, has likewise the same apprehension of the tendency of the *Toleration* and *Indulgence*, and therefore was pleased to say to some *Scots Ministers* that did themselves the honor, and performed the duty that became them, in going to wait upon her, that she greatly commended their having no accession to the betraying of the *Protestant Religion*, by their returning home to take the benefit of the *Toleration*. What an indelible Reproach will it be to a company of men, that pretend to be set for the defence of the Gospel, and who stile themselves *Ministers of Jesus Christ*, to be found betraying Religion, thro justifying the *Suspension* of so many *Laws* whereby it was established and supported, and whereby the Kingdoms were fenced about, and guarded against *Popery*; while these two noble Princes to the neglect of their own Interest in His *Majesty's* Favour, and to the provoking him to do them all the prejudice he can in their *Right of Succession* to the *Imperial Crown* of *Great Britain*, do signify their open dislike of that *Act* of the King, and that not only upon the account of its *Illegality* and *Arbitrariness*, but by reason of its tendency to supplant and undermine the *Reformed Religion*. And they are strangely blind that do not see how it powerfully operates, and conduceth to the effecting of this, and that in more ways and methods than are easie to be recounted. For thereby our divisions are not only kept up at a time, when the united Counsels and strength of all *Protestants* is too little against the craft and power of *Rome*; but they who have Addressed to thank the King for his *Royal Papers*, are become a listed and enrolled Faction, to abet and stand by the King in all that naturally follows to be done for the maintaining his *Declaration*, and justifying of the usurped Authority from which it issues. 'Tis matter of a melancholy consideration, and turns little to the credit of *Dissenters*, that when they of the Church of *England*, who had with so great indiscretion promoted things to that pass, which an easie improvement of would produce what hath since ensued, are through being at last enlightened in the designs of the Court, come so far to recover



their wits, as that they can no longer do the service they were wont, and which was still expected from them; there should be a new *Tribe* of men muster'd up to stand in their room, and who by their *Vows* and *Promises* made to the *King* in their *Addresses*, have undertaken to perform, what others have the *Conscience* and *Honesty*, as well as the *Wisdom* to refuse and decline. Nor are the *Divisions* among *Protestants* only hereby upheld and maintained; but our *Animosities* and *Rancors* are both continued and enflamed. For while they of the *established* way are provoked and exasperated to see all the *legal* Foundations both of the *Protestant Religion* and their *Church* subverted; the *Addressing Dissenters* are emboldened to revenge themselves upon the *National Clergy*, in terms of the utmost *Opproory*, *Virulence*, and *Reproach*, for their accession to the *Sufferings* which they had endured. Surely it would have been not only more *generous*, but much more *Christian*, to have made no other *Retaliations* but those of forgiveness and pardon for the injuries they had met with, and to have offered all the assistances they could give, to their *conformable Brethren*, for the stemming and withstanding the *deluge* of *Popery* and *Tyranny* that is impetuously breaking in upon the *Kingdoms*. And as this would have united all *Protestants* in bonds of forbearance and love not to be dissolved through petty differences about *Discipline*, *Forms of Worship*, and a few *Rites* and *Ceremonies*; so it would in the sense and judgment of all men, have given them a more triumphant *Victory* over those that had been their imprudent and peevish *Enemies*, than if they were to enjoy the spoils of the *conformable Clergy*, by being put into possession of their *Cures* and *Benefices*. The *Relation* I have stood in to the *Dissenting Party*, and the *Kindness* I retain for them above all other, make me heartily bewail their losing the happiest opportunity that ever was put into their hands, not only of improving the compassion, which their calamities had raised for them in the hearts of the generality, into friendship and kindness, but of acquiring such a merit upon the *Nation*, that the utmost favours which a true *English Protestant Parliament* could hereafter have shewed them, would have been accounted but slender as well as just *Recompences*. Nor can I forbear to say, that I had rather have seen the *Furnace* of *Afflictions* made hotter for them, though it should have been my own lot to be thrown into the most scorching flames, than to have beheld them guilty of those excesses of folly towards themselves, and of treachery to *Religion*, and the *Laws* of their *Country*, which their present ease, and a short opportunity afforded them of acquiring gain, have hurried and transported so many of them into. It plainly appears with what aspect upon our *Religion* the *Declaration for Liberty of Conscience* was emitted, if we do but observe the advantages the *Papists* have already reap'd by it. How is the whole *Nation* thereupon, not only overflow'd with swarms of *Locusts*, and all places filled with *Priests* and *Jesuits*, but the whole *executive Power* of the *Government*, and all preferments of *Honor*, *Interest*, and *Profit*, are put into *Roman Catholic* hands? So that we are not only exposed to the unwearied and restless importunities of *Seducers*, but thro the advancement of *Papists* to all *Offices Civil* and *Military*, if not *Ecclesiastick*; the covetous become brib'd, the timorous threatned, and the profane are baited with temptations sutable to their lusts, and they that stand resolv'd to continue honest are laid open not only to the bold affronts of *Priests* and *Friers*, the insolencies of petulant *Popish Justices*, the chicaneries and oppressions of the *Arbitrary Commission Court*, but to the rage of his *Majesty*, and the danger of being attack'd by his armed *Squadrons*. To which may be added, that by the same *Prerogative* and *Absolute Power* that his *Majesty* hath suspended the *Laws* made for the *Protection* of our *Religion*; he may disable and dispense with all the *Laws* by which it is set up and established. And as it will not be more *illegal* and *arbitrary* to make void the *Laws* for *Protestancy*, than to have suspended those against *Popery*; so I do not see how the *Addressers* that have approved the *one*, can disallow or condemn the *other*. For the *King* having obtained an acknowledgment of his *Absolute Power*, and of his *Royal Prerogative* paramount to *Laws* on his exercising it in one instance; it now depends merely upon his own will (for any thing these thanksgiving Gentlemen have to say against it) whether he may not exert it in another, wherein they are not likely to find so much of their ease and gain.

There is a *third Inducement* to the emitting those *Royal Papers*, which tho at the first view it may seem wholly to regard *Foreigners*, yet it ultimately terminates in the subversion of our *Religion* at home, and in the *King's* putting himself into a condition of exercising his *Absolute Power* in whatsoever *Acts* he pleaseth over his own *Subjects*, whether after the *French* fashion in commanding them to turn *Catholics* because he will have it so, or after the manner of the *Grand Seigneur* to require them to submit their *Necks* to the *Bow-string*; because he is jealous of them, or wants their *Estates* to pay his *Janizaries*. The *United Provinces* are they whom he bore a particular spleen and indignation unto, when he was a *Subject*, and upon whom he is now in the *Throne*, he resolves

solves not only to wreak all his old Malice, but by *Conquering* and *Subduing* them (if he can) to strengthen his *Absoluteness* over his own People, and to pave his way for overthrowing the *Protestant Religion* in *Great Britain*, without lying open to the Hazards that may otherways attend and ensue upon the attempting of it. And instead of expecting nothing from him, but what may become a brave and generous Enemy, they ought to remember the Encouragement that he gave heretofore to two Varlets, to burn that part of their *Fleet* which belong'd to *Amsterdam*, an Action as Ignominious as Fraudulent, and that might have been *Fatal* to all the Provinces, if, through a happy and seasonable Detection, and the Apprehension of one of the Miscreants, it had not been prevented. He knows that the *States General* are not only zealous Assortors of the Protestant Religion, but always ready to afford a *Sanctuary* and a place of *Refuge* to those, who being oppressed for the Profession of it elsewhere, are forced to forsake their own *Countries*, and to seek for Shelter and Relief in other Parts. And as he is not unensible, how easie the Withdrawment and Flight is into these Provinces, for such as are Persecuted in his Dominions; so he is aware, that if Multitudes, and especially Men of Condition and Estates, should, for the avoiding his Cruelty, betake themselves thither; that they would not be unthoughtful of all Ways and Means, whereby they might Redeem their Country from Tyranny, and restore themselves to the quiet Enjoyment of their *Estates* and *Liberties* at home. But that which most Enrages him is the *Figure* which the two Princes do make in that *State* (of whose Succession to the Crown the Protestants in *Britain* have so near a Prospect) and the Post which the Prince filleth in that Government, so that he dare neither venture to *Disinberit* Them, nor impose upon them such *Terms* and *Conditions*, as their Consciences will not suffer them to comply with, while either these *States* remain Free, or while such *English* and *Scots*, as retain a Zeal for Religion and the Ancient *Laws* and *Rights* of their respective *Countries*, can retreat thither under hopes of Admission and Protection. And so closely are the *Interests* of all Protestants in *England* and *Scotland*, woven and inlaid with the Interest of the *United Netherlands*, and such is the singular regard that both the one and the other bear to the *Reformed Religion*, the *Liberty* of *Mankind*, and their several *Civil Rights*; that it is impossible for his *Majesty* to embark in a Design against the *One*, without resolving at the same time upon the Ruin of the *Other*. Neither will the *One* be able to *subsist*, when once the *Other* is *Subdued* and *Enslaved*. As *Philip* the Second, of *Spain*, saw no way so compendious for the restoring himself to the Sovereignty and Tyrannous Rule over the *Dutch*, as the *Subjugating* of *England*; that help'd to support and assist them, which was the ground of Rigging out his Formidable *Armado*, and of his design against *England* in 1588. so his *British Majesty* thinks no Method so Expeditionary for the Enslaving his own People, as the endeavoring first to *subdue* the *Dutch*. And as upon the one hand it would be of a threatening Consequence to *Holland*, could the King subjugate his own People, extirpate the Protestant Religion out of his Dominions, and advance himself to a Despotical Power; so upon the other hand, could he conquer the *Dutch*, we might with the greatest certainty Date the woful Fate of *Great Britain*, and the loss of all that is valuable to them as Men and Christians, from the same Moment and Period of time. They are like the *Twins* we read of, whose *Destiny* was, to live and die together; and which soever of the two is destroyed first, all the Hope and Comfort that the other can pretend unto, is to be left devoured. Now after the Advances which his *Majesty* had made towards the Enslaving his *Subjects*, and the *Subverting* the *Reformed Religion* in his *Kingdoms*, he finds it necessary, before he venture to give the last and fatal Stroke at home, and to enter upon the plenary Exercise of his *Absolute Power*, in laying *Parliaments* wholly aside, in cancelling all *Laws* to make way for *Royal Edicts*, or *Declarations* of the Complexion of the former, and in commanding us to turn *Roman Catholics*, or to be *Dragoon'd*; I say he thinks it needful, before he proceeds to these, to try whether he can *Subdue* and *Conquer* the *Dutch*, and thereby remove all hopes of Shelter, Relief, Comfort and Assistance from his own People, when he shall afterwards fall upon them. And how much soever the Court endeavors to conceal its Design, and strives to complement the *States General* into a Confidence that all *Alliances* between them and the *Crown* of *England*, shall be maintained and preserved; yet they not only speak their Intentions by several open and visible Actions, but some of them cannot forbear to tell it, when their Blood is heated, and their Heads warm'd with a liberal Glas and a lusty Proportion of Wine. Thence it was that a *Governing Papist* lately told a Gentleman, after they two had drank hard together, *That they had some Work in England that would employ them a little time, but when that was over, they would make the Dutch fly to the end of the World to find a resting place.* *Delenda est Carthago* is engraven upon their Hearts, as being that, without which *Rome* cannot arrive at the *Universal Monarchy* that it aspires after. It was upon a formed Design of a War against the *United Provinces*, that the King hath for these two Years stirred

up and incited, as well as countenanced and protected the *Algerines* in their Piracies, that through their weakning and spoiling the *Dutch* before-hand, it may be the more easie a matter for him to Subdue them, when he shall think fit to begin his Hostilities. 'Tis in order to this that he hath entred into new and secret Alliances with other Princes, the purpott of which is boldly talk'd of in *London*, but whether believ'd at the *Hague* I cannot tell. For as *Monsieur Barrillion* and *Monsieur Bonrepos* present Transactions at *Whitehall* relate to something else than merely to the affair of *Hudson's Bay*; so Prince *George's* errand to *Denmark* is of more importance than a bare Visit, or a naked Compelment to his Brother. 'Tis upon this design that all that great *Marine* Preparation hath been so long making in the severall Ports of *England*; but to the hindering the execution whereof some unexpected and not foreseen accidents have interposed. And it is in subserviency not to be disquieted at Home, while he is carrying on this holy War Abroad, that the Declaration for Liberty of Conscience in *England*, and the Proclamation for a Toleration in *Scotland*, are granted and published. 'Tis well enough known, how that after the *French King*, had among many other severities exercised against *Protestants*, made them incapable of Employments and Commands; yet to avoid the consequences that might have ensued thereupon, while he was engaged in a War against the *Emperor*, the *King of Spain*, and the *States of Holland*, and to have the aid of his *Reformed Subjects*; he not only intermitted and abated in many other rigours towards them, but in *Anno 1674*, restored them to a capacity of being employed and preferred. And that this did not flow from any compassion, tenderness, or good will towards them, his carriage since the issue of that War, and the miserable condition he hath reduced them to, does sufficiently testify and declare. Nor can we forget, how that the late *King*, after a rigorous execution of the penal laws for several years against *Dissenters*; yet being to enter into an unjust War against the *United Provinces* *Anno 1672*. not only forbore all proceedings of that kind, but published a Declaration for suspending the Execution of all those Laws, and for the allowing them liberty of Assembling to worship God in their separate Meetings, without being hindred or disturbed. What Principle that proceeded from, and to what End it was calculated, appeared in his behaviour to them afterwards, when neither the danger the Nation was in, from the *Papists*, nor the application of several *Parliaments*, could prevail for lenity towards them, much less for a legal Repeal of those impolitick and unreasonable Statutes. Nor does the present Indulgence flow from any kindness to *Fanaticks*, but it is only an artifice to stifle their Discontents, and to procure their assistance for the destroying of a *Foreign Protestant State*. And it may not be unworthy of observation, that as the Declaration of Indulgence *Anno 1672*, bore date much about the same time with the Declaration of War against the *Dutch*; so at the very Season that his present Majesty emitted his Declaration for Liberty of Conscience, there were Commissions of Reprisal prepared and ready to be granted to the *English East-India Company* against the *Hollanders*, but which were suppressed upon the Court's finding that they whom the suspending the Execution of so many Laws, and the granting such Liberties, Rights and Immunities to the *Papists*, had disgusted and provoked, were far more numerous, and their resentments more to be apprehended, than they were, whose murmurings and discontents they had silenced and allay'd by the liberty that was granted. Now as it will be at this juncture, when the Protestant Interest is so low in the World, and the *Reformed Religion* in so great danger of being Destroyed, a most wicked as well as an imprudent Act, to contribute help and aid to the Subjugating a People that are the chief Protectors of the Protestant Religion that are left; and almost the only Asserters of the Rights and Liberties of Mankind, so it may fill the Addressers with confusion and shame, that they should have not only justified an Act of His Majesty's that is plainly designed to such a mischievous End, but that they should by the Promises and Vows that they have made Him, have emboldned His Majesty to continue his purposes and resolutions of a War against the *Dutch*. Which as it must be funestous and fatal to the Protestant Cause, in case he should prosper and succeed; so howsoever it should issue, yet the Addressers, who have done what in them lyes to give encouragement unto it, will be held betrayers of the Protestant Religion, both abroad and at home; and judged guilty of all the Blood of those of the same Faith with them, that shall be shed in this Quarrel.

That Liberty ought to be allowed to men in matters of Religion, is no Plea whereby the King's giving it in an illegal and Arbitrary manner, can be maintained and justified. Since ever I was capable of exercising any distinct and coherent acts of Reason, I have been always of that mind, that none ought to be persecuted for their Consciences towards God in matters of Faith and Worship. Nor is it one of those things that lye under the power of the Sovereign and Legislative Authority, to grant or not to grant; but it is a Right settled upon Mankind antecedent to all Civil Constitutions and Humane Laws, having its foundation in the Law of Nature, which no Prince or State can legitimately



mately violate and Infringe. The *Magistrate*, as a *Civil Officer*, can pretend or claim no Power over a People, but what he either derives from the *Divine Charter*; wherein God, the Supreme *Institutor* of *Magistracy* has chalk'd out the Duty of Rulers in general, or what the People, upon the first and original *Stipulation*, are supposed to have given him in order to the Protection, Peace and Prosperity of the *Society*. But as it does no where appear, that God hath given any such Power to Governors, seeing all the *Revelations* in the Scripture, as well as all the *Dictates* of *Nature*, speak a contrary Language, so neither can the People, upon their chusing such a one to be their *Ruler*, be imagined to transfer and vest such a Power in him, forasmuch as they cannot divest themselves of a Power, no more than of a Right, of believing things, as they arrive with a Credibility to their several and respective Understandings. As it is in no Man's Power to believe as he will, but only as he sees cause; so it is the most irrational Imagination in the World, to think they should transfer a *Right* to him whom they have chosen to govern them, of punishing them for what it is not in their power to help. Nor can any thing be plainer, than that God has reserved the *Empire over Conscience* to himself, and that he hath circumscribed the Power of all *Humane* Governors to things of a civil and inferior Nature. And had God convey'd a *Right* unto *Magistrates* of commanding Men to be of this or that *Religion*, and that because they are so, and will have others to be of their mind; it would follow that the People may conform to whatsoever they require, tho by all the Lights of Sense, Reason and Revelation, they are convinced of the Falshood of it: Seeing whatsoever the *Sovereign* rightfully Commands, the *Subjects* may lawfully obey. But tho the persecuting People, for *Matters of mere Religion*, be repugnant to the Light of Nature, inconsistent with the Fundamental Maxims of Reason, directly contrary to the Temper and Genius, as well as to the Rules of the Gospel, and not only against the Safety and Interest of *Civil Societies*, but of a Tendency to fill them with Confusion, and to arm *Subjects* to the cutting of one anothers Throats; yet Governors may both deny *Liberty* to those whose Principles oblige them to destroy those that are not of their mind, and may in some measure *Regulate* the *Liberty* which they vouchsafe to others, whose Opinions, tho they do not think dangerous to the Peace of the *Community*, yet through judging them Erroneous and False, they conceive them dangerous to the Souls of Men. As there is a vast difference betwixt *Tolerating* a *Religion*, and approving the *Religion* that is *Tolerated*; so what a *Government* doth not approve, but barely permits and suffers, may be brought under Restrictions as to time, place and number of those professing it, that shall assemble in one Meeting; which it were an Undecency to extend to those of the justified and established way. Now whatsoever *Restrictions* or *Regulations* are enacted, and ordained by the *Legislative Authority*, in reference to *Religions* or *Religious Assemblies*, they are not to be stop'd, disabled or suspended, but by the same Authority that enacted and ordained them. The King says very truly, *That Conscience ought not to be constrained, nor People forced in matters of mere Religion*: But it does not from thence follow, (unless by the Logick of *Whitehall*) that without the concurrence of a Parliament, he should suspend and dispense with the *Laws*, and by a pretended Prerogative, relieve any from what they are Obnoxious unto by the *Statutes* of the *Realm*. His saying that the forcing People in matters of Religion, *spoils Trade, depopulates Countries, discourageth Strangers, and answers not the End of bringing all to an Uniformity, for which it is employ'd*; would do well in a *Speech* to the *Houses of Parliament*, to perswade them to *Repeal* some certain *Laws*; or might do well to determine his *Majesty* to assent to such Bills as a Parliament may prepare and offer, for relieving Persons in matters of Conscience; but does not serve for what it is alledged, nor can it warrant his suspending the *Laws* by his single Authority. And by the way, I know when these very Arguments were not only despised by his *Majesty*, and ridiculed by those who took their *Cue* from Court, and had Wit to do it, as by the present Bishop of *Oxford*, in a very ill-natur'd Book, called *Ecclesiastical Polity*; but when the daring to have mentioned them, would have provok'd the then Duke of *York's* Indignation, and have expos'd the Party that did it, to Discountenance and Disgrace. The Question is not, what is convenient to be done in some measure and degree, and in reference to those whose Religion does not oblige them to destroy all that differ from them, when they have opportunity for it; but the Point in debate is, who hath the legal Power of doing it, and of fixing its Bounds and Limits. It was never pretended that the King ought to be shut out from a Share in *Suspending* and *Repealing Laws*; but that the sole Right of doing it belongs to him, is what cannot be allowed, without changing the Constitution, and placing the whole *Legislative Authority* in His *Majesty*. And as it is an *Usurpation* in the King to challenge it, and a *Treachery* in *English Subjects* to acknowledge it; so the Inconveniences that this or that Party are in the mean time expos'd unto, through the *Laws* remaining in Force, are rather to be endured, than that a Power of

giving Ease and Relief (farther than by Connivance) should be confessed to reside in any one, in whom the *Laws* of the Community have not placed it. 'Tis better to undergo Hardships under the Execution of unjust *Laws*; than be released from our *Troubles*, by a Power Usurped over all *Laws*. For by the one, the *Measures* of Government, as well as the Rights and Privileges of a *Nation*, are destroy'd; whereas by the other, only a part of the People are Afflicted and unduly dealt with. While we are govern'd by *Laws*, tho several of them may be Injust and Inconvenient, yet we are under a Security as to all other things which those *Laws* have not made liable; but when we fall under an illimited *Prerogative* and *Absolute Power*, we have no longer a *Title* unto, or a hedge about any thing, but all lies open to the Lust and Pleasure of him, in whom we have owned that Power to be seated. A *Liberty* is what *Dissenters* have a *Right* to *Claim*, and which the *Legislative Authority* is bound by the *Rules* of *Justice* and *Duty*, as well as by *Principles* of *Wisdom* and *Discretion* to grant. And I am sorry, that while they stood so fair to obtain it in a *Legal* and *Parliamentary* way, any of them by acknowledging a *Right* in another to give it, and that in a manner so *Subversive* of the *Authority* of *Parliaments*, should have rendred themselves unworthy to receive it from them, to whom the Power of *Bestowing* it does belong. Not but that a *Toleration* will be always due to their *Principles*, but I know not whether the particular Men of those *Principles*, who have, by their *Addressees*, betray'd the Kingdom, may not come to be judged to have forfeited all Share in it, for their Crime committed against the Constitution, and the whole Politick Society. Nor is there any thing more Just and Equal, than that they who surrender and give away the *Rights* both of *Legislators* and *Subjects*; should lose all Grace and Favor from the former, and all Portion among the latter.

And how much soever some Protestant *Dissenters*, may please themselves with the *Liberty*, that at present they enjoy in the virtue of the two *Royal Papers*; yet this may serve to moderate them in their Transports of Gladness, that they have no solid Security for the Continuance of it: For should a *Parliament* null and make void the *Declaration* for *Liberty*, and impeach the *Judges* for declaring a Power vested in the King to suspend so many *Laws*, and for forbearing upon the *King's Mandat* to execute them; the Freedom that the *Dissenters* possess, would immediately vanish, and have much the same Destiny that the *Liberty* had, which was granted unto them by the *Declaration* of *Indulgence*, Anno 1672. Or should the *Parliament* be willing to grant Ease and Indulgence to all Protestants, by a *Bill* prepared for *Repealing* of all the *Laws* formerly made against them, and should only be desirous to preserve in force the *Laws* relating to the *Oaths* of *Allegiance* and *Supremacy*, and the *Statutes* which enjoyn the *Tests*, of whose Execution we never more wanted the Benefit, in order to our Preservation from Popery, and which an *English Parliament* cannot be supposed willing to part with, at a time when our Lives, Estates and Religion, are so visibly threatned to be swallowed up, and destroyed by the Papists: In that case we may confidently believe, that the *King*, instead either of *Assenting* to such a *Bill* for separate Favor to Protestants, or persevering in his Compassion and Kindness of continuing the *Suspension* of the *Laws* against *Dissenters*, he would from an inveterate Enmity, as well as from a new contracted Resentment, be stirred up and enraged to the putting the *Laws* in Execution with greater Rigor and Severity than hath been seen or felt heretofore. And all that the *Addressees* would then reap by the *Declaration*, would be to undergo the furious Effects of Brutal Rage in their Persecutors, and to be unpitied by the Kingdom, and unlamented by their fellow Protestants. Or should his Majesty, in favor to his good Catholics, resolve against the Meeting of a *Parliament*, or to Adjourn and Prorogue them whensoever he shall find, that instead of confirming what he hath done, they shall make null his *Declaration*, vote his pretended *Prerogative* *Illegal* and *Arbitrary*, and fall upon those Mercenary and Perjured Villains, who have allowed him a Power transcendent to *Law*; yet even upon that Supposal, which is the best that can be made, to support Mens hopes in the continuance of the present *Liberty*, the Protestant *Dissenters* would have but slender Security; all the Tenure they have for the Duration of their Freedom, being only Precarious, and depending merely upon the *King's Word* and *Promise*, which there is small ground to rely upon. Nor can He be true to them, without being false to his Religion, which not only gives Him leave to break his Faith with Hereticks, but obligeth Him to it, and to destroy them to boot, and that both under the pain of Damnation, and of forfeiting his *Crown* and losing his *Dominions*. And how far the *Promise* and *Royal Word* of a Catholic Monarch is to be trusted unto, and depended upon, we have a modern Proof and Evidence in the Behavior of Louis de Grand towards his Reformed Subjects, not only in Repealing the many *Edicts* made and confirmed by himself, as well as his Ancestors, for the free Exercise of their Religion; but in the Methods he hath always observed,



served, namely to promise them protection in the profession of their Faith, and practice of their Worship, when he was most stedfastly resolved to subvert their Religion, and was about making some fresh advance, and taking some new step for its Extirpation. Thus when he had firmly purposed, not to suffer a Minister to continue a year in the Kingdom, he at the same time published an *Edict*, requiring Ministers, to serve but three Years in one Place, and not to return to the Church where they had first *Officiated*, till after the expiration of *twenty Years*. In the same manner, when he had resolved, to Repeal the *Edict of Nantes*, and had given injunction for the *Draught*, by which it was to be done, he at the same season, gave the *Protestants* all assurances of Protection, and of the said *Edicts* being kept Inviolable. To which may be added, that shameful and detestable *Chicanery*, in passing his Sacred and Royal Word, that no violence should be offered any for their Religion, tho at that very moment, the *Dragoons* were upon their March, with orders of exercising all manner of Cruelties und Barbarities, upon them. So that his Majesty of Great Britain, hath a Pattern lately sent him, and that by the Illustrious Monarch, whom he so much admires, and whom he makes it his Ambition, and Glory, to imitate. Nor are we without proofs already, how insignificant the King's Promises are, (except to delude) and what little confidence ought to be put in them. The disabling and suspending the 13th. Statute of his late Parliament in Scotland, wherein the Test was Confirmed, and his departing from all his Promises Registered in his Letter, as well as from those contained in the Speech made by the Lord Commissioner, pursuant to the Instructions which he had undoubtedly receiv'd, together with his having forgotten and receded from all his Promises made to the Church of England, both when Duke of York, and since he came to the Crown, are undeniable evidences, that his Royal Word, is no more Sacred, nor Binding, than that of some other Monarchs; and that whosoever of the Protestants shall be so foolish, as to rely upon it, will find themselves as certainly disappointed, and deceived, as they of the Reformed Religion elsewhere, have been. And while they of the Established way, find so small security by the Laws, which the King is bound by his Coronation Oath, to observe; the Dissenters cannot expect very much, from a naked Promise, which as it hath not a solemn Oath to enforce it, so 'tis both Illegal in the making, and contrary to the principles of his Religion to keep. Nor is it unworthy of observation, that he hath not only departed from his Promises made to the Church of England, but that we are told, in a late Popish Pamphlet, Intituled *A New Test of the Church of England's Loyalty*, Published (as it self says) by Authority, that they were all conditional, (to wit, by vertue of some Mental Reservation in his Majesty's Breast) and that the Conformable Clergy having failed in performing the Conditions, upon which they were made; the King, is absolved, and discharged, from all Obligation, of observing them. The Church of England (says he) must give his Majesty leave not to nourish a Snake in his Bosom, but rather to withdraw his Royal Protection, which was promised, upon the account of her constant fidelity. Which as it is a plain threatening of all the Legal Clergy, and a denunciation of the unjust and hard measure, they are to look for; so it shakes the Foundation, upon which all credit unto, and reliance upon, his Majesty's Word, can be any ways placed. For tho Threatnings may have tacit Reserves, because the right of executing them, resides in the Threatner; yet Promises are incapable of all latent conditions, because every Promise vests a Right in the Promisee, and that in the virtue of the words in which it is made. But it is the less to be wondred at if his Majesty fly to Equivocations and Mental Reserves, being both under the conduct of that Order, and a Member of the Society, that first taught and practised this treacherous piece of Chicanery. However it may inform the Dissenters, that if they be not able to answer the End, for which they are depended upon; or be not willing in the manner and degree, that is expected; or if it be not for the Interest of the Catholick Cause, to have them indulged; in all these cases, and many more, the King may be pronounced, acquitted, and discharged from all the Promises, he hath given them, as having been merely stipulatory, and conditional. And as he will be sure then, *finem facere ferenda aliena persona*, to lay aside the disguise that he hath now put on; so if they would reflect either upon his temper, or upon his Religion, they might now know, *hanc gratiam in tanta superbia comitatem*, that a person of his pride would not stoop to such Flattery, (as his Letter to Mr. Alsop expresseth) but in order to some design. But what need other proof of the fallaciousness of the two Royal Papers, and that no Protestants can reasonably depend upon the Royal Word, there laid to pledge for the continuation of their Liberty; but to look into these two Papers themselves, where we shall meet expressions, that may both detract from our belief of his Majesty's sincerity, and awaken us to a just jealousy, that the Liberty, and Toleration, granted by them, are intended to be of no long standing and duration. For while he is pleased to tell us, that he granting his Subjects the free use of their Religion for the time to come, is an addition to the perfect



perfect Enjoyment of their Property, which has never been invaded by His Majesty since his coming to the Crown: He doth in effect say, that His Fidelity, Truth and Integrity, in what he grants, in reference to Religion, is to be measured, and judged, by the Verity that is in what He tells us, as to the never having Invaded our Property. And that I may Borrow an Expression from Mr. *Allop*, and to no less Person than to the King himself, namely, *That tho we pretend to no refined Intellectuals, nor presume to Philosophise upon Mysteries of Government, yet we make some pretence to the Sense of Feeling, and whatever our Dullness be, can discern*, between what is exacted of us according to *Law*, and what we are rob'd of by an Exercise of Arbitrary Power. For not to insist upon the violent Seizure of Mens Goods, by Officers, as well as Soldiers, in all parts of England, which looks like an Invasion upon the Properties of the Subject; nor to dwell upon his keeping an Army on foot in time of Peace, against the Authority, as well as without the Countenance of Law, which our Ancestors would have stiled an Invasion upon the whole Property of the Kingdom; I would fain know, by what Name we are to call his Levying the Customs, and the Additional Excise, before they were granted unto him by the Parliament, all the legal Establishment of them upon the Nation, having been only, during the late King's Life, till the Settlement of them upon the Crown was again renewed by Statute. It were also worth his Majesties telling us, what Titles are due to the Suspending the Vice-Chancellor of Cambridge a Beneficio, and the turning the President of Magdalen's in Oxford out of his Headship, and the Suspending Dr. Fairfax from his Fellowship, if there be not an Invasion upon our Property; seeing every part of this is against all the known Laws of the Kingdom, and hath been done by no legal Court, but by a Set of Mercenary Villains, armed with an Arbitrary Commission, and who do as Arbitrarily exercise it. And as the End unto which that Inquisition-Court was instituted, was to rob us of our Rights and Privileges at the mere Pleasure of the King; so the very Institution of it, is an Invasion both upon all our Laws, and upon the whole Property of the Nation, and is one of the highest Exercises of Despotical Power, that it is possible for the most Absolute and unlimited Monarch to exert. Among all the Rights reserved unto the Subjects by the Rules of the Constitution, and whereof they are secured by many repeated Laws and Statutes, there are none that have been hitherto less disputed, and in reference to which, our Kings have been farther from claiming any Power and Authority, than those of levying Money without the Grant as well as the Consent of Parliament, and of Absolving and Discharging Debtors from paying their Creditors, and of Acquitting them from being Sued and Imprisoned in case of Non-payment; and yet in Defiance of all Law, and to the Subverting the Rights of the People, and the most essential Privilege and Jurisdiction of Parliaments, and to a plain changing the ancient legal Constitution into an Absolute and Despotical Governing Power, the King (they say) is assuming to himself an Authority, both of imposing a Tax of 5 l. per Annum upon every Hackney Coach, and of Releasing and Discharging all Debtors, of whom their Creditors cannot claim and demand above 10 l. Sterling; which as they will be signal Invasions upon Property, and leading Cases for the raising Money in what other Instances he pleaseth, by a Hampton-Court or a Whitehall Edit, without standing in need of a Parliament, or being obliged to a Dependance upon their Grant, for all Taxes to be levied upon the Subjects, as his Predecessors have heretofore been; so they may serve fully to instruct us what little Security either the Dissenters have, as to being long in the Possession of their present Liberty, or Protestants in general of having a Freedom continued unto them of professing the Reformed Religion, if we have nothing more to rely upon for preventing our being abridged and denied the Liberty of our Religion, than we have had for preserving our Property from being Invaded and broken in upon. We may subjoin to the Clause already mentioned, that other Expression, which occurs in the foresaid Declaration, viz. *That as he freely gives them leave to meet and serve God after their own way and manner, so they are to take special care, that nothing be preached or taught amongst them, which may any ways tend to alienate the Hearts of the People from his Majesty, or his Government*: Which words as they import the Price at which the Dissenters are to purchase their Freedom (whereof we shall discourse anon) so they admirably serve to furnish the King with a Pretence of retrenching their Liberty whensoever he pleaseth, nor are they inserted there for any other End, but that upon a Plea, of their having abused his Gracious Indulgence, to the alienating the Hearts of his People from him, they may be adjudged to have thereby deservedly forfeited, both all the Benefits of it, and of his Royal Favor. Nor is it possible for a Protestant Minister to preach one Sermon, which a Popish Critick, or a Romish Bigot, may not easily misconstrue and pervert, to be an Alienation of the Peoples Hearts, from the King's Person and Government. And of which as we have heard many late Examples in France, so it will be easie to draw them into President, and to imitate them in England. I might add the Observation of the ingenious Author of the Reflections on his Majesty's Proclamation for a Toleration in Scotland: Namely, that whereas the King gives all Assurance to his Scots Subjects,

*Subjects*, that he will not use *invincible Necessity* against any Man, on the account of his Perswasion, he does thereby leave himself at a liberty of *Dragooning, Torturing, Burning*, and doing the utmost Violences, all these being vincible to a Person of an ardent love to God, and of a lively Faith in *Jesus Christ*; and which accordingly many Thousands have been triumphantly Victorious over. Nor is it likely that this new and uncouth Phrase of *not using an invincible Necessity*, would have found room in a Paper of that nature, if it had not been first to conceal some malicious and mischievous Design, and then to justify the Consistency of its Execution, with what is promised in the *Proclamation*. Moreover, were there that Security intended by these two *Royal Papers*, that *Protestant Dissenters* might safely rely upon; or did the King act with that Sincerity which he would delude his People into a Belief of, there would then be a greater Agreeableness than there is, betwixt the *Declaration for Liberty of Conscience in England*, and the *Proclamation for a Toleration in Scotland*. The Principle his Majesty pretends to act from, *That Conscience ought not to be constrained, and that none ought to be persecuted for mere matters of Religion*, would oblige him to act uniformly, and with an equal extension of Favor to all his *Subjects*, whose Principles are the same, and against whom he hath no Exception, but in matters merely Religious. Whereas the Disparity of Grace, Kindness and Freedom, that is exercised in the *Declaration*, from that which is exerted in the *Proclamation*, plainly shews, that the whole is but a *Trick of State*, and done in Subserviency to an end, which it is not yet reasonable to discover and avow. For his circumscribing the *Toleration in Scotland*, to such *Presbyterians* as he styles Moderate, is not only a taking it off from its true Bottom, *matters of mere Religion*, and a founding it upon an *internal Quality* of the mind, that is not discernable, but it implies the reserving a Liberty to himself, of withdrawing the Benefits of it from all *Scots Dissenters*, through fastening upon them a contrary Character, whensoever it shall be reasonable to revive Persecution. And even as it is now exerted to these *Moderate ones*, it is attended with *Restrictions*, that his *Indulgence in England* is no ways clog'd with. All that the *Declaration* requires from those that are indulged, is, *That their Assemblies be peaceably, openly and publickly held, that all Persons be freely admitted to them, that they signify and make known to some Justice of the Peace, what places they set apart for these uses; and that nothing be preached or taught amongst them, which may any ways tend to alienate the Hearts of the People from the King or his Government*: Whereas the *Proclamation* not only restrains the Meetings of the *Scots Presbyterians* to private Houses, without allowing them either to build Meeting-Houses, or to use Out-houses or Barns; but it prohibits the hearing any Ministers, save such as shall be willing to swear, *That they shall, to the utmost of their power, assist, defend and maintain the King, in the Exercise of his Absolute Power against all deadly*. Nor is it difficult to assign the reason of the Deformity that appears in his Majesty's present Actings towards his *Dissenting Protestant Subjects* in those two Kingdoms. For should there be no Restriction upon the *Toleration in Scotland*, to hinder the greatest part of the *Presbyterians* from taking the Advantage of it; the *Bishops* and *Conforming Clergy* would be immediately forsaken by the generality if not all the People, and so an issue would not only be put to the Division among Protestants in that Kingdom, but they would become an united, and thereupon a formidable Body against Popery, which it is not for the Interest of the *Roman Catholics* to suffer, or give way unto. Whereas the more unbounded the Liberty is, that is granted to *Dissenters in England*, the more are our Divisions not only kept up, but increased and promoted, (especially through this Freedom's arriving with them in an illegal way, without both the Authority of the Legislative Power, and the Approbation of a great part of the People) it being infallibly certain, that there is a vast number of all Ranks and Conditions, who do prefer the abiding in the Communion of the Church of England, before the joyning in Fellowship with those of the *Separate and Dissenting Societies*. Upon the whole, this different Method of proceeding towards *Dissenting Protestants in Matters mere Religious*, shews that all this *Indulgence and Toleration*, is a *Trick* to serve a present juncture of Affairs, and to advance a *Popish and Arbitrary Design*; and that the *Dissenters* have no Security for the continuance of their Liberty, but that when the Court and *Jesuitick* end is compassed and obtained, there is another course to be steered towards them; and instead of their hearing any longer of Liberty and Toleration, they are to be told, that it is the Interest of the Government, and the Safety and Honor of his Majesty, to have but one Religion in his Dominions, and that all must be Members of the *Catholic Church*, and this because the King will have it so, which is the Argument that hath been made use of in the making so many Converts in France. They who now suffer themselves to be deluded into a Confidence in the Royal Word, will not only come to understand what Mr. Coleman meant, in his telling *Pere de la Chaise*, that the Catholics in England had a great work upon their hand, being about the Extirpation of that Heresie, which hath borne sway so long in this Northern part of the World; but they will also see and feel, how much of the Designs of Rome was represented in that passage of the



the Pope's Nuncio's Letter dated at *Brussels Aug. 9. 1674.* wherein upon the Confidence which they placed in the Duke of *York*, which is not lessened since he came to the Crown, he takes the confidence to write, *That they hoped speedily to see the total and final Ruin of the Protestant Party.*

And as *Protestant Dissenters* have no Security by the Declaration and Proclamation for the continuance of their Liberty, so they that have, by way of Thanksgiving, Addressed to the King for those Royal Papers, have not only acted very ill, in reference both to the Laws and Rights of the Kingdoms, and of Religion in general, but they have carried very unwisely in relation to their own Interest, and the avoiding the Effects of that Resentment, which most Men are justly possessed with, upon the illegal Emission of these Arbitrary and Pre-rogative Papers. I shall not enter upon any long Discourse, concerning this new Practice of Addressing in general, it having been done elsewhere some years ago, but I shall only briefly intimate, that it was never in fashion, unless either under a weak and precarious Government, or under one that took illegal Courses, and pursued a different Interest from that of the People and Community. As he who Ruleth according to the standing Laws of a Country, over which he is set, needs not seek for an Approbation of his Actions from a part of his Subjects; the Legality of his Proceedings being the best Justification of him that Governs, and giving the truest Satisfaction to them that are Ruled; so he who enjoys the love of all his People, needs not look for Promises of being assisted, stood by and defended, by any one Party or Faction among them; there being none from whom he can have the least Apprehension of Opposition and Danger. It was the want of a legal Title in *Oliver Cromwel*, and his Son *Richard*, to the Government, that first begot this Device of Addressing, and brought it upon the Stage in these British Nations; and it was the Arbitrary Procedures of the late King, as it is of his present Majesty, and their acting upon a distinct Bottom from that of the Three Kingdoms, that hath revived, and does continue it. Nor is there any thing that hath rendered those two Princes more contemptible abroad, and proclaimed them Weaker at home, than their recurring unto, and soliciting, the Flatteries and Aid of the Mercenary, Timorous, Servile, and for low and personal Ends byas'd part of their Subjects, and thereby telling the World, that neither the Generality nor the most Honorable of their People, have been united in their Interest, nor Approvers of the Counsels that have been taken and pursued. And if any thing did ever cast a Dishonor upon the English Nation, it hath been that loathsome Flattery, and slavish Sycophancy, wherewith the Addressers, both now, and for some years past, have stuffed their Applications to the two Royal Brothers. The Throne that is sustained and upheld by the Pillars of Law and Justice, needs not to hew out unto its self other Supporters, nor lean upon the crooked and weak Stilts of the insignificant, and for the most part deceitful, as well as brib'd Vows, of a sort of Men, who will be as ready upon the least disgust, to cry *Crucifie* to morrow, as they were for being gratified, may be in their Lusts, Humors and Revenges, and at the best in some separate Concern, to cry *Hosanna* to day. I shall decline prosecuting what concerns the Honor or Dishonor of him, to whom the Addresses are made, or how Politick, or Impolitick, the Countenancing and Encouraging them is, and shall apply my self to this new Set of Addressers, and endeavor to shew how Foolish as well as Criminally they have acted. Nor is it an Argument either of their Prudence or Honesty, or of their acting with any Consistency to themselves, that having so severely inveighed against the Addressers that were in fashion a few years ago, and having fastened all the Imputations and Reproaches upon those that were Accessary to them, which that Rank of Addressers could be supposed to have deserved; they now espouse the Practice which they had condemned, and in reference to as Arbitrary and unjustifiable an Act of His present Majesty, as the most illegal one the late King was guilty of, or the worst Exercise or Pre-rogative, for which any heretofore either commended, or promised to stand by him. For tho the Matter and Subject of the Arbitrary Act of him now upon the Throne, be not, as to every Branch of it, so publicly Scandalous, as some of the Arbitrary Proceedings of the late King were, (as relating to a Favor which Mankind hath a just Claim unto) yet it is every way as Illegal, being in reference to a Privilege, which his Majesty hath no Authority to grant and bestow. And were it not that there are many Dissenters, who preserve themselves Innocent at this Juncture, and upon whom the Temptation that is administred makes no Impression; the World would have just ground to say, that the Fanaticks are not governed by Principles, but that the Measures they walk by, are what conduceth to their private and personal Benefit, or what lyes in a Tendency to their Loss and Prejudice. And that it was not the late King's Usurping and exerting an Arbitrary and illegal Power that offended them, but that they were not the Objects in whose Favor it was exercised. 'Tis also an Aggravation of their Folly, as well as their Offence, that they should revive a Practice which the Nation



was grown ashamed of, and whereof they who had been guilty begun to repent, through having seen that all the former *Declarations, Assurances and Promises* of the *Royal Brothers*, which tempted to Applications of that kind, were but so many Juggles, peculiar to the late *Breed of the Family*, for the deceiving of Mankind; and that never one of them was performed and made good. But the Transgression, as well as the Imprudence, of the present *Addressees*, is yet the greater, and they are the more Criminal and Inexcusable before God and Men, in that they might have enjoyed all the Benefits of the *King's Declaration*, without acknowledging the Justice of the *Authority* by which it was granted, or making themselves the Scorn and Contempt of all that are truly Honest and Wise, by their servile Adulations, and their Gratulatory Scriblers, unbecoming *English-men and Protestants*. They had no more to do, but to continue their Meetings, as they had sometimes heretofore used to do, without taking notice that the present *Suspension of the Laws*, made their Assembling together more safe, and freed them from Apprehensions of Fines and Imprisonments. Nor could the King, how much soever displeased with such a Conduct, have at this time ventured upon the expressing Displeasure against them; seeing as that would have been both to have proclaimed his Hypocrisy, in saying, *That Conscience ought not to be constrained, nor People forced in matters of mere Religion*, and a discovering the villainous Design, in Subserviency to which the *Declaration* had been emitted; so it were not possible for him, after what he hath published, to single out the *Dissenters* from amongst other *Protestants*; and to fall upon all, before Matters are more ripe for it, might be a means of the Abortion of all his Popish Projections, and of saving the whole *Reformed Interest in Great Britain*. Neither would the *Church of England-men* have envied their Tranquillity, or have blamed their Carriage; but would have been glad that their *Brethren* had been eased from Oppressions, and themselves delivered from the grievous and dishonorable Task of prosecuting them, which they had formerly been forced unto by *Court-Injunctions and Commands*. And as they would have, by a Conduct of this Nature, had all the Freedom which they now enjoy, without the Guilt and Reproach which they have derived upon themselves by *Addressing*; so such a *Carriage* would have wonderfully recommended them to the Favor of a true English Parliament, which tho it would see cause to condemn the King's Usurping a Power of *Suspending the Laws*, and to make void his *Declaration*; yet in gratitude to *Dissenters* for such a Behavior, as well as in Pity and Compassion to them as English Protestants, such a Parliament would not fail to do all it could, to give them relief in a legal way. Whereas if any thing Enflame and Exasperate the Nation, to revive their Sufferings, it will arise from a Resentment of the unworthy and treacherous Carriage of so many of them, in this critical and dangerous Juncture. But the *Terms*, which through their *Addressing*, they have owned the receiving their *Liberty and Indulgence* upon, does in a peculiar manner enhance their Guilt against God and their Country, and strangely adds to the Disgust and Anger, which Lovers of *Religion*, and the Laws of the Nation have conceived against them. For it is not only upon the Acknowledgment of a Prerogative in the King over the *Laws*, that they have received, and now hold their *Liberty*; but it is upon the *Condition*, *That nothing be preached or taught amongst them, that may any ways tend to alienate the Hearts of the People from his Majesty's Person and Government*. He must be of an Understanding very near allied unto, and approaching to that of an *Irish-man*, who does not know what the *Court-Sense* of that Clause is; and that his *Majesty* thereby intends, that they are not to preach against *Papery*, nor to set forth the Doctrines of the *Romish Church* in *Terms* that may prevent the Peoples being infected by them, much less in Colours that may render them Hated and Abhorred. To accuse the *King's Religion* of Idolatry, or to affirm the *Church of Rome* to be the *Apocalyptick Babylon*, and to represent the *Articles of the Tridentine Faith*, as Faithful Ministers of *Christ* ought to do, would be accounted an alienating the *Hearts* of their *Hearers* from the King and his *Government*; which as they are in the fore-said *Clauses* required not to do, so they have, by their *Addressing*, confessed the Justice of the *Terms*, and have undertaken to hold their *Liberty* by that *Tenor*. And to give them their due, they have been very Faithful hitherto, in conforming to what the King Exacts, and in observing what themselves have assented to the Equity of. For notwithstanding all the Danger from *Papery*, that the Nation is exposed unto, and all the Hazard that the Souls of Men are in, of being poisoned with *Romish Principles*; yet instead of *Preaching or Writing* against any of the *Doctrines* of the *Church of Rome*, they have agreed among themselves, and with such of their Congregations as approve their Procedure, not so much as to mention them; but to leave the Province of defending our *Religion*, and of detecting the Falseness of *Papal Tenets*, to the Pastors and Gentlemen of the *Church of England*. And being ask'd (as I know some of them that have been) why they do not preach against *Antichrist*, and confute the *Papal Doctrines*;

*Doctrines*; they very gravely reply, that by *preaching Christ*, they *preach* against *Anti-christ*; and that by *Teaching the Gospel*, they *refute Popery*; which is such a piece of fraudulent and guilful Subterfuge, that I want words to expresse the knavery and criminalness of it. What a reserve and change have I lived to see in *England*, from what I beheld a few years ago. It was but the other day that the *Conformable Clergy* were represented by some of the *Dissenters*, not only as favorers of *Popery*, but as endeavouring to hale it in upon us by all the methods and ways that lay within their circle; and yet now the whole defence of the *Reformed Religion*, must be entirely devolved into their hands; and when all the sluices are pulled up, that had been made to hinder *Popery* from overflowing the Nation, they must be left alone to stem the Inundation, and prevent the Deluge. They among the *Fanatics* that boasted to be the most avowed and irreconcilable Enemies of the Church of *Rome*, are not only become altogether silent, when they see the Kingdom pester'd with a swarm of busie and seducing *Emissaries*; but are both turned Advocates for that *Arbitrary Paper*, whereby we are surrendred as a Prey unto them, and do make it their business to detract from the reputation, and discourage the Labours of the *National Ministers*, who with a zeal becoming their Office, and a Learning which deserves to be admired, have set themselves in opposition to that *croaking fry*, and have done enough by their excellent and unimitable Writings, to save People from being deluded, or perverted, if either unanswerable confutations of *Popery*, or demonstrative defences of the *Articles and Doctrines* of the *Reformed Religion* can have any efficacy upon the minds of Men. Among other fulsome Flatteries adorning a Speech made to his Majesty by an *Addressing Dissenter*, I find this hypocritical and shameful *Adulation*, namely, *that if there should remain any seeds of Disloyalty in any of his Subjects, the transcendent goodness exerted in his Declaration, would mortifie and kill them*. To which he might have added with more truth, that the same transcendent goodness had almost destroyed all the seeds of their honesty, and mortified their care and concernment for the Interest of *Jesus Christ*, and for the *Reformed Religion*. Their old strain of zealous Preaching against the *Idolatry of Rome*, and concerning the coming out of *Babylon my People*, are grown out of fashion with them in *England*, and are only reserved, and laid by, to recommend them to the kindness and acceptation of *Foreign Protestants*, when their occasions and conveniencies draw them over to *Amsterdam*. Whoever comes into their *Assemblies*, would think, for any thing that he there hears delivered from their Pulpits, that *She* which was the *Whore of Babylon* a few years ago, were now become a *Chaste Spouse*; and that what were heretofore the damnable *Doctrines* of *Popery*, were of late turned *Innocent and Harmless Opinions*. The *King's Declaration* would seem to have brought some of them to a *melius inquirendum*; and as they are already arrived to believe a *Roman Catholick* the best *King*, that they may in a little time come to esteem *Papists* for the best *Christians*. The keeping back nothing that is profitable to save such as hear them, and the declaring the whole Counsel of God; that are the terms upon which they received their Commission from *Jesus Christ*, and wherein they have *Paul's practice* and example for a pattern, would seem to be things under the Power of the *Royal Prerogative*, and that the *King* may supercede them by the same Authority, by which he dispenses with the *Penal Statutes*. Which as it is very agreeable unto, and imported in his Majesty's Claim of being obeyed without reserve; so the owning this *Absolute power* with that annex of challenged obedience, does acquit them from all obligations to the *Laws of Christ*, when they are found to interfere with what is required by the *King*. But whether God's Power or the *King's*, be superior, and which of the two can cassate the others *Laws*, and whose wrath is most terrible, the Judgment day will be able and sure to instruct them, if all means in this World prove insufficient for it. The *Addressers* know upon what conditions they hold their Liberty; and they have not only observed how several of the *National Clergy* have been treated for preaching against *Popery*, but they have heard how divers of the *Reformed Ministers* in *France* (before the general Suppression) were dealt with for speaking against their *Monarch's Religion*, and therefore they must be pardoned, if they carry so as not to provoke his Majesty, tho in the mean time through their Silence, they both betray the Cause of their Lord and Master, and are unfaithful to the Souls of those, of whom they have taken upon them the Spiritual guidance. As for the *Papers* themselves, that are stiled by the name of *Addresses*, I shall not meddle with them, being as to the greatest part of them, fitter to be expoid and ridicul'd, either for their dullness and pedantry, or for the *Adulation* and *Sycophancy* with which they are fulsomly stuf, than to deserve any serious consideration, or to merit Reflections that may prove instrumentive to Mankind. Only as that *Address* wherein his Majesty is thanked for his restoring God to his Empire over Conscience, deserveth a rebuke for its *Blasphemy*; so that other which commends him for promising, to force the *Parliament* to ratifie his Declaration, (tho by the way all he says is, *that he does not doubt of their concurrence*, which yet his ill success upon the *Closetting* of so many Members, and his since Dissolving that *Parliament*, shews that there was some cause for the

doubting



doubting of it) I say that other *Address* merits a severe Censure for its insolency against the *legislative Authority*: And the *Authors* of it ought to be punished for their crime committed against the *Liberty and Freedom* of the *two Houses*, and for encouraging the *King* to invade and subvert their most essential and fundamental *Privileges*, and without which, they can neither be a *Council*, *Judicature*, nor *Lawgivers*.

After all, I hope the *Nation* will be so *ingenuous*, as not to impute the miscarriages of some of the *Nonconformists* to the whole *Party*, much less to ascribe them to the *Principles* of *Dissenters*. For as the *points* wherein they differ from the *Church of England*, are purely of another nature, and which have no relation to *Politics*, so the influence that they are adapted to have upon men as members of *Civil Societies*, is to make them in a special manner regardful of the *Rights and Franchises* of the *Community*. But if some neither understand the tendency of their own *Principles*, nor are true and faithful unto them; these things are the personal faults of those men, and are to be attributed to their ignorance, or to their dishonesty; nor are their *Carriages* to be counted the effects of their *religious Tenets*, much less are others of the *Party* to be involved under the reproach and guilt of their imprudent and ill conduct. Which there is the more cause to acknowledge, because tho the *Church of England* has all the reason of the world, to decline *Addressing*, in that all her *legal Foundation*, as well as *Security*, is shaken by the *Declaration*; yet there are some of her *Dignitaries* and *Clergy*, as well as divers of the *Members* of her *Communion*, who upon motives of *Ambition*, *Covetousness*, *Fear*, or *Courtship*, have enrolled themselves into the *List of Addressers*; and under pretence of giving thanks to the *King* for his promise of *protecting the Archbishops, Bishops, and Clergy, and all other of the Church of England in the free exercise of their Religion, as by Law established*; have cut the throat of their *Mother*, at whose breasts they have suck'd till they are grown fat, both by acknowledging the *usurped Prerogative* upon which the *King* assumes the *Right and Authority* of emitting the *Declaration*; and by exchanging the *legal standing* and *security* of their *Church*, into that precarious one of the *Royal Word*, which they fly unto as the *bottom* of her *Subsistence*, and trust to as the *wall* of her *defence*. And as most of the *Members* of the *Separate Societies*, are free from all accession to *Addressing*, and the few that concurred were merely drawn in by the *whetstone* and importunity of their *Preachers*; so they who are of the *chiefest Character*, and *greatest reputation* for *Wisdom* and *Learning* among the *Ministers*, have preserved themselves from all folly and treachery of that kind. The *Apostle* tells us, *that not many wise, not many noble are called*; which as it is verified in many of the *Dissenting Addressers*, so it may serve for some kind of *Apology* for their low and sneaking, as well as for their indiscreet and imprudent behaviour in this matter. And it is the more venial in some of them, as being not only a means of ingratiating themselves (as they fancy) with the *King*, who heretofore had no very good opinion of them; but as being both an easie and compendious method of *Attoning* for *Offences* against the *Crown*; of which they were strongly suspected; and a cheap and expenceless way of purchasing the pardon of their *Relations*, that had stood actually *accused of High Treason*. Nor is it to be doubted, but that as the *King* will retain very little favour and mercy for *Fanatics* when once he has served his *Ends* upon them; so they will preserve as little kindness for the *Papists*, if they can but obtain relief in a legal way. And as there is not a *People* in the *Kingdom*, that will be more loyal to *Princes*; while they continue so to govern as that *Faith* by the *Laws of God or Man* remains due to them; so there are none, of what *Principles* or *Communion* soever, upon whom the *Kingdom* in its whole interest come to lye at stake, may more assuredly and with greater confidence depend, than upon the generality of *Dissenting Protestants*, and especially upon those that are not of the *Pastoral Order*. The severities that the *Dissenters* lay under before, and their deliverance from *Oppression* and *Disturbance* now, seconded with the *Kings expectation* and demands of thanksgiving *Addressers*, were strong *Temptations* upon men void of generosity and greatness of spirit, and who are withal of no great *political Wisdom*, nor of prospect into the *Consequences* of *Councils* and *Tricks* of State, to act as illegally in their *thanks*, as his *Majesty* had done in his *bounty*. So that whatsoever *Animadversion* they may deserve, should they be proceeded against according to their demerit; yet it is to be hoped, that both *they*, and the *Addressers* of the former *Stamp*, may all find room in an *Act of Indemnity*, and that the *Mercy* of the *Nation* towards them, will triumph over and get the better of its *Justice*. As it would argue a strange and judicial insatiation, should they proceed to farther excesses, and think to escape the Punishment due to one Crime, by committing and taking sanctuary in another, thro improving their *Complements* into actions of *Treachery*; so all their hope of *Pardon*, as well as of *Lenity* and *Moderation*, from a true *Protestant* and rightly constituted *Authority*, depends upon their conduct and behaviour henceforward, and their not suffering themselves to be hurried and deluded into a co-



See Mr. Alsop's  
Speech to the  
King.

operation with the *Court*, for the obtaining of a *Popish Parliament*. All their endeavours of that kind would but more clearly detect, and manifest, their treachery to *Religion* and the *Kingdom*, it not being in their power to out-vote the honest English part of the People, so as to help the *King* to such a *House of Commons* as he desires; and were it possible, that thro their assistance, in conjunction with violence and tricks, used in Elections and Returns by the *Court*, such a *House of Commons* might be obtained, as would be serviceable to *Arbitrary* and *Papal* Ends; yet neither the *King* nor they would be the nearer the compassing what is aim'd at; it being demonstrable that the majority of the *House of Lords*, are never to be wrought over to justify this *illegal Declaration*; or to grant the *King* a *Power of Suspending Laws* at his pleasure; nor to give their *Assent* to a *Bill for Repealing the Test Acts*, and the *Statutes* that enjoin and require the *Oaths of Allegiance* and *Supremacy*. And if they should be so far left of God, and betray'd by those among themselves whom the *Court* hath gained, as to become guilty of so enormous an act of folly and villany; and should the *Election* of the next *Parliament*, be the happy juncture they wait for, and the improving their interest, as well as the giving their own Votes for the Choice of *Papists* into the *House of Commons*, be what they mean by an essential proof of their *Loyalty* and of the sincerity of their humble *Addresses*, and that whereby they intend to demonstrate, that the greatest thing they have promised, is the least thing they will perform for his Majesties service and satisfaction: as in that case, they will deserve to forfeit all hopes of being forgiven; so it would be an infidelity to God and Men, and a cruelty to our selves and our Posterity, not to abandon them as betrayers of *Religion*; expunge them out of the *Roll of Protestants*; strip them of all that wherein free Subjects have a *Legal Right*; and not to condemn them to the utmost punishments, which the *Laws* of the *Kingdom* adjudge the worst of Traitors and Malefactors unto. There are some, who thro hating of them, do wish their miscarrying and offending to so unpardonable a degree, that they may hereafter be furnished with an advantage, both of ruining them and the whole *Dissenting Party* for their sakes. But as the love that I bear unto them, and the persuasion and belief I have of the truth of their *Religious Principles*, do make me exceeding solicitous to have them kept and prevented from being hurried and transported into so fatal and criminal a behaviour; so I desire to make no other excuse for my plain dealing towards them, but that of *Solomon*, who tells us, *that faithful are the wounds of a friend, while the kisses of an Enemy are deceitful*; and that he who rebukes a man, shall find more favour afterwards than he who flattereth with the tongue.

## POSTSCRIPT.

Since the foregoing *Sheets* went to the *Press*, and while they were *Printing* off, there is come to my hands a new *Proclamation* dated at *Windsor* the 28th. of *June* 1687, for granting further *Liberty* in *Scotland*, and which was published there by an *Order* of the *Privy Council* of that *Kingdom* bearing date at *Edinburgh* the 5. of *July*. This *Supplication* of one *Proclamation* after another in reference to the same thing, is so apportioned and parallel to the late *French* method of emitting *Edicts* in relation to those of the *Reformed Religion* in that *Kingdom*, that they seem to proceed out of one mint, to be calculated for the same end, and to be designed for the compassing and obtaining the like effects. For as soon as an *Alarm* was taken at the publishing of some unreasonable and rigorous *Edict*, there used often to follow another of a milder strain, which was pretended to be either for the moderating the severities of the former, or to remove and rectifie what they were pleased to call *misconstructions* unduly put upon it; but the true end whereof was only to stifle and extinguish the *Jealousies* and *Apprehensions* that the other had begotten and excited, and which had they not been calmed and allay'd might have awakened the *Protestants* there to provide for their safety by a timely withdrawing into other *Countries*, if they had not been provoked to generous endeavours of preventing the final suppression of their *Religion*, and for obviating the ruin which that *Court* had projected against them and was hastning to involve them under. Nor does my suspicion of his Majesties pursuing the same design against *Protestants*, which the great *Louis* glories to have accomplished, proceed merely from that conjunction of Counsels that all the world observes between *Whitehall* and *Versailles*; nor merely from the *Kings* abandoning his *Nephew* and *Son-in-law* the *Prince of Orange*, and not so much as interposing to obtain satisfaction to be given him, for the many *Injuries*, *Damages*, *Spoiles*, and *Robberies*, as well as *Affronts* done him by that haughty *Monarch*; when one vigorous Application could not fail to effect it; nor yet merely from that agree-

agreeableness in their proceedings, through the King of England's imitating that Foreign Potentate, and making the whole course that hath been taken in France, the Pattern of all his actings in Great Britain; but I am much confirmed in my fears and jealousies, by remembering a passage in one of Mr. Coleman's Letters, who as he very well knew what the then Duke of York, had been for many years engaged in, against our Religion and Civil Liberties, and under what Vows and Promises he was, not to desist from prosecuting what had been resolved upon and undertaken; so he had the confidence to say, *that his Master's design, and that of the King of France, was one and the same*; and that this was no less, as he farther informs us, than the *extirpating the Northern Heresie*. Had the King of England acted with sincerity from that noble Principle, *that Conscience ought not to be constrained, nor People forced in matters of mere Religion*, as he would delude weak and easie People to believe; and had not all his Arbitrary and illegal proceedings in granting Liberty to Dissenting Protestants been to subvert and promote other Designs, which it is not yet seasonable and convenient to discover and avow, he would have then acted with that conformity to the Principle he professeth to be under the Influence and Government of, and with that consonancy and harmonious agreeableness, in all the degrees of Indulgence, vouchsafed to those of the Reformed Religion in England and Scotland, that differ from them of the Established way, that there would have needed no second Proclamation apportioning new measures of Liberty, and favour to Scots Dissenters, seeing they would have had it granted them at first in the same latitude and illimitedness, that it was bestowed upon the English Nonconformists. But when Princes carry on and pursue mischievous designs, under the palliations of Religion, publick good, and the Right of Mankind; it comes often to pass through adapting their methods to what they mean and intend, and not to what they pretend and give out, that their crafty projections by being not sufficiently accommodated to their purposes, prove ineffectual to the compassing what was aim'd at; and this forceth them to a new Game of Falshood and Subtlety, but still under the old varnish and gloss, and obligeth them to have recourse to means that may be more proportioned than the former were, for their reaching the End that they ultimately drive at. Thence it is that those Rulers, who are engaged in the Prosecution of wicked and unjustifiable Designs, are necessitated not only to apply themselves to opposite Methods towards different Parties, and those such as must be suited and apportioned to their discrepant Interest, without the accommodating of which they can neither hope to mould them to that tame and servile Compliance, nor work them up to that active and vigorous abetting of their malicious and crafty Projections as is necessary for the rendering them Successful; but they are forced to vary their Proceedings towards one and the same Party, and that as well when the ways they have acted in towards them are found inadequate to the end unto which they were calculated, as when the mischief hid under them comes to be too soon discovered. This weak and short-sighted People fancy to arise from an uncertainty in Princes Counsels, and from their being at no Consistency with themselves; but they who can penetrate into Affairs, and that do consider things more narrowly, can easily discern, that all this Variation, Diversity, and shifting of Methods in Rulers Actings, proceed from other Causes, and that it is their Stability and Perseverance in an illegal and wicked Design, that compels them to those crooked and contrary Courses, either for the gaining the unwary and ill-applied Concurrence of their Subject, to the hastning Distress and Desolation upon themselves, or for the throwing them into that Lethargy, and under that Supineness, as may hinder them from all Endeavors of obstructing and diverting the Evils, that their Governours are seeking to bring upon them. Nor is there a more certain Indication, of a Prince being engaged in a Design, contrary to the good and happiness of the Society, over which he is set; than his betaking himself to illegal ways, upon pretence of promoting the ease and benefit of his People; or according as he finds his Subjects to differ in their particular Interests, his applying himself to them in Methods, whereof the contrariety of the one to the other, renders them the more proper and adapted to ensnare the divided Factions, through accosting each of them with something that they are severally fond of. *Legal means* are always sufficient to the pursuing and compassing *legal Ends*; and whatsoever is for the general good of the Community, may either be obtained by Courses, wherein the Generality find their united Interest and common Felicity, or else by Application to a Parliament freely and duly chosen, which as it represents the whole Politick Society, so there may be expected most Compassion and Tendernefs, as well as Wisdom and Prudence, for redressing the Grievances, easing the Troubles, and providing for the Benefit and Safety of all that are wrapt up in and represented by them. And as every Prince, who sincerely seeks and pursues the Advantage of his People, will so adjust and attemper all his Actions towards them, that his whole Carriage shall be uniform, and all the Exercises of his Governing Power, meet



meet in the benefit of the Community, as so many lines from a circumference uniting in their Centre; so there needs no other proof that these two or three late *Actions* of His Majesty, which a foolish sort of men are apt to interpret for favours, and to account them effects of Compassion and Kindness; are but to conceal his Malice, and to subserve as well as cover some fatal and pernicious Design that he is carrying on against his Protestant Subjects, than that while he is gratifying a few of them in one thing, he is at the same time robbing all of them of many; and that while he is indulging the Dissenters with a freedom from the penal Laws for matters of Religion; he is invading the Properties, and subverting the Civil Rights of the three Nations, and changing the whole Constitution of the Government. He that strips us of what belongs unto us as we are English and Scots men; cannot mean honestly in the favours he pretends to vouchsafe us as we are Christians; nor can he that is endeavouring to enslave our Persons, and to subject our Estates to his arbitrary Lust and Pleasure; intend any thing else by this kindness granted to Fanatics in matters of Religion, than the dividing them from the rest of the People, in what concerns the Civil Interest and external happiness of the Community; and to render them an engaged Faction to assist and abet him in enthraling the Kingdoms. Whosoever considers the whole Tenor of His Majesty's other Actions, in proroguing and dissolving Parliaments, when he finds them uncompliant with his Popish and Despotical Ends; his keeping on foot a formidable Army against all the Laws of the Land, and upon no other intention, but to maintain him in his Usurpations over our Rights, and to awe us into a tame and servile submission to his Prerogative Will; his filling all places of Judicature with weak as well as treacherous persons, who instead of administering Justice may be the Instruments of Tyranny; his robbing men of their Estates, by judicial forms, and under pretence that *nullum tempus occurrit Regi*, after they have been quietly enjoyed by the Subjects for several hundred years; his advancing none to Civil or Military Employments, but whom he hath some confidence in, as to the finding them ready to execute his despotical Injunctions; and his esteeming no persons loyal and faithful to himself, save those who are willing to betray their Country, and be Rebels and Traitors against the Legal Constitution: I say whosoever considers all this, and a great deal more of the same hue and complexion, cannot imagine (unless he be under a judicial blindness and a strange insatiation) that any thing arriving from the King, tho it may be a matter wherein they may find their present ease and advantage should proceed from compassion and good will to his Protestant Subjects, but that it must be only in order to promote a distinct interest from that of his People, and for the better and more easie accomplishing of some wicked and unjustifiable Design. And tho his Majesty would have us believe, that the reasons moving him to the emission of this second Proclamation, were the misstruous Interpretations which either have, or may be made, of some Restrictions in his former; yet it is not difficult, even without being of his Privy Council, to assign a truer motive, and a more real and effectual cause of it. For as that of the 12 of February came forth attended with so many limitations, not easie to be digested by men of Wisdom or Honesty, lest if it had been more unconfined and extensive, and should have opened a door for all Scots Dissenters to have gone in and taken the benefit of it, the generality of Protestants in that Kingdom, abstracting from the Bishops, Curates, and a few others, should have joined in the separate Interest, and thereby have become an united Body against Popery; but upon finding that hardly any would purchase their freedom from the penal Laws at so dear a rate, as to do things so unbecoming Men and Christians, as the conforming to the Terms therein prescribed obliged them unto; and that as they of the National Communion were alarm'd and disgusted, so few or none of the Dissenting Fellowships were pleased; and that both were not only angry at the many illegal favours, and threatning advantages, bestowed upon the Papists, but were grown so sensible of the Design carrying on against the Protestant Religion, and the Liberties and Privileges of the Subject, that tho they could not renounce their respective Tenets in the matters wherein they differed, yet they were willing to stifle their Heats and Animosities, and to give that Encouragement, Aid and Assistance to one another, as was necessary for their common safety: upon these Considerations, his Majesty (if he would have spoken sincerely) ought to have said, that he had published this new Proclamation, in order to hinder Scots Protestants from uniting, for their mutual defence against Turkish Tyranny, and Romish Idolatry, in hopes thereby to continue and exasperate their undue and passionate heats, and to steep them not only in divided and opposite interests, but to make them contribute to the suppressing and ruining each other, or at least to look on unconcernedly, till he have ripened his Designs against them both, and be prepared for extirpating the Reformed Religion, and for subverting the Fundamental as well as Statute Laws, and for bringing such to the Stake and Gibbet as shall have the Integrity to assert the one, or the Courage to plead for the other. And yet



yet in his *last Proclamation*, wherein he grants a more illimited Freedom, than in the former, and promiseth to protect *all in the Exercise of Their Protestant Religion*, as he disdainfully and Ignominiously calls it; there is a Clause that may discourage all honest Men from owning their *Liberty* to the Authority that bestows it, and from which it is derived and conveyed to them. For not being satished to superstruck his pretended Right, of *Suspending, Stopping and Disabling Laws*, upon his *Sovereign Authority and Prerogative Royal*, but as knowing that these give no such Pre-eminence and Jurisdiction over the *Laws of the Kingdom*, he is pleased to challenge unto himself an *Absolute Power*, as the Source and Spring of that Exorbitant and Paramount Claim, which he therein exerciseth and exerts. And forasmuch as *Absolute Power* imports his *Majesties* being loose and free from all Ties and Restraints, either by *Fundamental Stipulations*, or superadded *Laws*; it is very Natural to observe, that he allows the Government under which we were born, and to which we were Sworn and stood Bound, to be hereby subverted and changed, and that thereupon we are not only Absolved and Acquitted, from the Allegiance and Fealty, we were formerly under to his *Majesty*, but are indispensably obliged by the Ties and Engagements that are upon us, of maintaining and defending the Constitution and Government, to apply our selves to the use of all Means and Endeavors against him, as an Enemy of the People, and a Subverter of the legal Government, wherein all the Interest he had, or could lawfully claim, was an *Official Trust*, and not an *Absolute Power* or a *Despotic Dominion*, the first whereof he hath deposed and abdicated himself from, by challenging and usurping the latter. And should any *Scots Dissenter*, either in his entrance upon the *Liberty* granted by this *Proclamation*, or in *Addressing* by way of Thankfulness for it, take the least notice of this Freedom flowing from the King, which cannot be done, without Recognising this *Absolute Power* in his *Majesty* as the Fountain of it, he is to be look'd upon as the worst of Traitors, and deserves to be proceeded against both for his Accession unto, and justifying the Subversion of the *Laws, Liberties and Government* of his Country, and for betraying the Rights of all Free-born Men. For those few Reflections in the foregoing Sheets, which this new *Proclamation* may not only seem to render useless, and frustrate the end whereunto they were intended, but may make the publishing any Animadversions upon that, which the King, by departing from, does himself Censure and Condemn, be esteemed both a failure in Ingenuity and Candor, and a want of regard to those Measures of Justice, which ought to be observed towards all Men, and more especially towards Crowned Heads: I shall only say, that as the *Proclamation* arrived with me too late, to hinder and prevent the Communication of them to the Publick; so I have this farther to add, in Justification of their being published, that it will thereby appear, that what his *Majesty* styles *Sinistruous Interpretations made of some Restrictions mentioned in his former*, are no other than the just, natural, genuine, and obvious Constructions, which they lye open unto, and are capable of, and which a Man cannot avoid fastning upon them, without renouncing all Sense and Reason. And while the King continues to disparage and asperse all sober and judicious *Reflections* upon that Royal Paper, by charging upon them the unjust and reproachful Character of *Sinistruous Interpretations*; it is necessary as well as equal, that the whole matter should be plainly and impartially represented to the World, and that the Deception be remitted and left to the understanding and unbiass'd part of Mankind who are the Calumniators and Slanderers, they who accuse the *Proclamation* of importing such Principles, Consequences, and Tendencies, or he and his *Ministers*, who think they have avoided and answered the Imputations fastened upon it, when they have loaded them with hard and uncivil Terms. For tho he be pleased to assume to himself an *Absolute Power*, which all are bound to obey without reserve; and in the virtue of which he *Suspends, Stops and Disables* what *Laws* he pleaseth, yet I do not know but that his Intellectuals being of the Size of other Mens, and that seeing neither his Sovereignty, nor *Catholicallness*, have vested in him an Inerrability, why we may not enter our Plea and Demur to the Dictates of his Judgment, tho we know not how to withstand the Efforts of his Power. Nor shall I subjoyn any more, save that whereas his *Majesty* declares so many *Laws to be disabled to all Intents and Purposes*, he ought to have remembred, that beside other *Intents and Purposes*, that several of them may hereafter serve unto, as the Papists may possibly come to have Experience; there is one thing, in reference to which he cannot, even at present, hinder and prevent their Usefulness and Efficacy, and that is, not only their raising and exciting all just Resentments in the minds of free-born and generous Men, for his challenging a Power to *Suspend and Cassate* them, but their remaining and continuing *Monuments* of his Infidelity to the Trust reposed in him, of his departure from all Promises made at and since his entering upon the Government, and of his Invading and Subverting all the Rules of the Constitution.

*The Declaration of His Highness William Henry (by the Grace of God) Prince of Orange, &c. Of the Reasons inducing him to appear in Arms in the Kingdom of England, for Preserving of the Protestant Religion, and for Restoring the Laws and Liberties of England, Scotland and Ireland.*

IT is both certain and evident to all Men, that the Publick Peace and Happiness of any State or Kingdom cannot be preserved, where the Laws, Liberties and Customs established, by the Lawful Authority in it, are openly Transgressed and Annulled: More especially where the Alteration of Religion is endeavored, and that a Religion which is contrary to Law is endeavored to be introduced: Upon which those who are most immediately concerned in it, are Indispensably bound to endeavor to preserve and maintain the established Laws, Liberties and Customs; and above all, the Religion and Worship of God that is established among them: And to take such an effectual Care, that the Inhabitants of the said State or Kingdom, may neither be deprived of their Religion, nor of their Civil Rights. Which is so much the more Necessary, because the Greatness and Security both of Kings, Royal Families, and of all such as are in Authority, as well as the Happiness of their Subjects and People, depend, in a most especial manner, upon the exact Observation and Maintenance of these their Laws, Liberties and Customs.

Upon these grounds it is, that we cannot any longer forbear to Declare, That to our great Regret, we see that those Counsellors, who have now the chief Credit with the King, have overturned the Religion, Laws and Liberties of those Realms; and subjected them in all things relating to their Consciences, Liberties and Properties, to Arbitrary Government; and that not only by Secret and Indirect ways, but in an open and undisguised manner.

Those Evil Counsellors for the advancing and colouring this with some plausible Pretexts, did invent and set on foot, the King's *Dispensing Power*, by virtue of which, they pretend, that according to Law, he can Suspend and Dispense with the Execution of the Laws, that have been enacted by the Authority of the King and Parliament, for the Security and Happiness of the Subject, and so have rendered those Laws of no Effect: Tho there is nothing more certain, than that as no Laws can be made, but by the joynt Concurrence of King and Parliament, so likewise Laws so enacted, which secure the Publick Peace and Safety of the Nation, and the Lives and Liberties of every Subject in it, cannot be Repealed or Suspended, but by the same Authority.

For tho the King may pardon the Punishment that a Transgressor has incurred, and to which he is condemned, as in the cases of *Treason* or *Felony*; yet it cannot be with any colour of Reason inferred from thence, that the King can entirely Suspend the Execution of those Laws, relating to *Treason* or *Felony*: Unless it is pretended that he is clothed with a Despotick and Arbitrary Power, and that the Lives, Liberties, Honors and Estates of the Subjects, depend wholly on his good Will and Pleasure, and are entirely subject to him; which must infallibly follow, on the King's having a Power to Suspend the Execution of Laws, and to Dispense with them.

Those Evil Counsellors, in order to the giving some Credit to this strange and execrable Maxim, have so conducted the Matter, that they have obtained a Sentence from the Judges, declaring that this *Dispensing Power* is a Right belonging to the Crown; as if it were in the Power of the Twelve Judges, to offer up the Laws, Rights and Liberties of the whole Nation to the King, to be disposed of by him Arbitrarily, and at his Pleasure, and expressly contrary to Laws enacted, for the Security of the Subjects. In order to the obtaining this Judgment, those Evil Counsellors did before-hand examine secretly the Opinion of the Judges, and procured such of them, as could not in Conscience concur in so pernicious a Sentence, to be turned out, and others to be substituted in their rooms, till by the Changes which were made in the Courts of Judicature, they at last obtained that Judgment. And they have raised some to those Trusts, who make open Profession of the Popish Religion, tho those are by Law rendered Incapable of all such Employments.

It is also Manifest and Notorious, that as his Majesty was, upon his coming to the Crown, received and acknowledged by all the Subjects of England, Scotland and Ireland, as their King, without the least Opposition, tho he made then open Profession of the Popish Religion, so he did then Promise, and Solemnly Swear, at his Coronation, that he



he would maintain his Subjects in the Free Enjoyment of their Laws, Rights and Liberties, and in particular, that he would maintain the *Church of England as it was established by Law*: It is likewise certain, that there have been at diverse and sundry times, several Laws enacted for the Preservation of those Rights and Liberties, and of the Protestant Religion: And among other Securities, it has been enacted, That all Persons whatsoever, that are advanced to any Ecclesiastical Dignity, or to bear Office in either University; as likewise all others, that should be put in any Employment, Civil or Military, should declare that they were not Papists, but were of the Protestant Religion, and that by their taking of the Oaths of *Allegiance and Supremacy*, and the *Test*; yet these Evil Counsellors have, in effect, annulled and abolished all those Laws, both with relation to Ecclesiastical and Civil Employments.

In order to Ecclesiastical Dignities and Offices, they have not only without any colour of Law, but against most express Laws to the contrary, set up a Commission of a certain number of Persons, to whom they have committed the Cognizance and Direction of all Ecclesiastical Matters; in the which Commission there has been and still is, one of His Majesties Ministers of State, who makes now publick Profession of the Popish Religion, and who at the time of his first professing it, declared that for a great while before, he had believed that to be the only true Religion. By all this the deplorable State to which the Protestant Religion is reduced is apparent, since the Affairs of the Church of England are now put into the Hands of Persons, who have accepted of a Commission that is manifestly Illegal, and who have executed it contrary to all Law; and that now one of their chief Members has abjured the *Protestant Religion*, and declared himself a *Papist*, by which he is become incapable of holding any Publick Employment: The said Commissioners have hitherto given such proof of their Submission to the Directions given them, that there is no reason to doubt, but they will still continue to promote all such Designs as will be most agreeable to them. And those Evil Counsellors take care to raise none to any Ecclesiastical Dignities, but Persons that have no Zeal for the Protestant Religion, and that now hide their Unconcernedness for it, under the specious Pretence of *Moderation*. The said Commissioners have Suspended the Bishop of London, only because he refused to obey an Order that was sent him to Suspend a Worthy Divine, without so much as citing him before him, to make his own Defence, or observing the common Forms of Process. They have turned out a President, chosen by the Fellows of *Magdalen College*, and afterwards all the Fellows of that College, without so much as citing them before any Court that could take legal Cognizance of that Affair, or obtaining any Sentence against them by a Competent Judge. And the only reason that was given for turning them out, was their refusing to chuse, for their President, a Person that was recommended to them, by the Instigation of those Evil Counsellors; tho' the Right of a Free Election belonged undoubtedly to them. But they were turned out of their Freeholds, contrary to Law, and to that express provision in the *Magna Charta*, That no Man shall loose Life or Goods, but by the Law of the Land. And now these Evil Counsellors have put the said College wholly into the Hands of Papists, tho' as is aforesaid, they are incapable of all such Employments, both by the Law of the Land, and the Statutes of the College. These Commissioners have also cited before them all the Chancellors and Archdeacons of England, requiring them to certify to them the Names of all such Clergy-men as have read the King's Declaration for *Liberty of Conscience*, and of such as have not read it; without considering that the reading of it was not enjoined the Clergy by the Bishops, who are their Ordinaries. The Illegality and Incompetency of the said Court of the Ecclesiastical Commissioners was so notoriously known, and it did so evidently appear, that it tended to the Subversion of the Protestant Religion, that the Most Reverend Father in God, *William Archbishop of Canterbury*, Primate and Metropolitan of all England, seeing that it was raised for no other end, but to oppress such Persons as were of eminent Vertue, Learning and Piety, refused to sit or to concur in it.

And tho' there are many express Laws against all Churches or Chappels, for the Exercise of the Popish Religion, and also against all Monasteries and Convents, and more particularly against the Order of the *Jesuits*, yet those Evil Counsellors have procured orders for the building of several Churches and Chappels, for the Exercise of that Religion: They have also procured diverse Monasteries to be erected, and in contempt of the Law, they have not only set up several Colleges of *Jesuits*, in diverse places, for the corrupting of the Youth, but have raised up one of the Order to be a Privy Counsellor and a Minister of State. By all which they do evidently show, that they are restrained by no Rules or Law whatsoever; but that they have subjected the Honors and Estates of the Subjects, and the establish'd Religion to a Despotick Power, and to Arbitrary Government; in all which they are served and seconded by those Ecclesiastical Commissioners.

They



They have also followed the same Methods with relation to Civil Affairs: For they have procured orders to examine all Lords-Lieutenants, Deputy-Lieutenants, Sheriffs, Justices of Peace, and all others that were in any publick Employment, if they would concur with the King in the Repeal of the *Test and Penal Laws*; and all such, whose Consciences did not suffer them to comply with their Designs, were turned out, and others were put in their places, who they believed would be more compliant to them, in their designs of defeating the intent and Execution of those Laws, which had been made with so much Care and Caution for the Security of the *Protestant Religion*. And in many of these places they have put professed Papists, tho the Law has disabled them, and warranted the Subjects not to have any regard to their Order.

They have also invaded the Privileges, and seized on the Charters of most of those Towns that have a right to be represented by their Burgesses in Parliament; and have procured Surrenders to be made of them, by which the Magistrates in them have delivered up all their Rights and Privileges, to be disposed of at the Pleasure of those Evil Counsellors; who have thereupon placed new Magistrates in those Towns, such as they can most entirely confide in; and in many of them they have put Popish Magistrates, notwithstanding the Incapacities under which the Law has put them.

And whereas no Nation whatsoever can subsist without the Administration of good and impartial Justice, upon which Men Lives, Liberties, Honors and Estates do depend; those Evil Counsellors have subjected these to an Arbitrary and Despotick Power: In the most important Affairs they have studied to discover before-hand the Opinions of the Judges; and have turned out such, as they found would not conform themselves to their Intentions; and have put others in their places, of whom they were more assured, without having any regard to their Abilities. And they have not stuck to raise even professed Papists to the Courts of Judicature, notwithstanding their Incapacity by Law, and that no regard is due to any Sentences flowing from them. They have carried this so far, as to deprive such Judges, who in the common Administration of Justice, shew that they were governed by their Consciences, and not by the Directions which the others gave them: By which it is apparent, that they design to render themselves the absolute Masters of the Lives, Honors and Estates of the Subjects, of what Rank or Dignity soever they may be; and that without having any regard either to the Equity of the Cause, or to the Consciences of the Judges, whom they will have to submit in all things to their own Will and Pleasure; hoping by such ways to intimidate those other Judges, who are yet in Employment, as also such others as they shall think fit to put in the rooms of those whom they have turned out; and to make them see what they must look for, if they should at any time act in the least contrary to their good liking; and that no Failings of that kind are pardoned in any Persons whatsoever. A great deal of Blood has been shed in many places of the Kingdom, by Judges governed by those Evil Counsellors, against all the Rules and Forms of Law; without so much as suffering the Persons that were accused to plead in their own Defence.

They have also, by putting the Administration of Justice in the Hands of Papists, brought all the Matters of Civil Justice into great Uncertainties; with how much exactness and Justice soever that these Sentences may have been given. For since the Laws of the Land do not only exclude Papists from all places of Judicature, but have put them under an Incapacity, none are bound to acknowledge or to obey their Judgments, and all Sentences given by them, are null and void of themselves; so that all Persons who have been cast in Trials before such Popish Judges, may justly look on their pretended Sentences, as having no more Force than the Sentences of any private and unauthorised Person whatsoever. So deplorable is the case of the Subjects, who are obliged to answer to such Judges, that must in all things stick to the Rules which are set them by those Evil Counsellors, who as they raised them up to those Employments, so can turn them out of them at pleasure, and who can never be esteemed Lawful Judges; so that all their Sentences are in the Construction of the Law, of no Force and Efficacy. They have likewise disposed of all Military Employments in the same manner: For tho the Laws have not only excluded Papists from all such Employments, but have in particular provided that they should be disarmed; yet they in contempt of those Laws, have not only armed the Papists, but have likewise raised them up to the greatest Military Trusts, both by Sea and Land, and that Strangers as well as Natives, and Irish as well as English, that so by these means they having rendered themselves Masters both of the Affairs of the Church, of the Government of the Nation, and of the course of Justice, and subjected them all to a Despotick and Arbitrary Power, they might be in a capacity to maintain and execute their wicked Designs by the assistance of the Army, and thereby to enslave the Nation.

The dismal Effects of this Subversion of the established Religion, Laws and Liberties in *England*, appear more evidently to us, by what we see done in *Ireland*; where the whole Government is put into the hands of Papists, and where the Protestant Inhabitants are under the daily Fears of what may be justly apprehended from the Arbitrary Power which is set up there; which has made great Numbers of them leave that Kingdom, and abandon their Estates in it, remembering well that Cruel and Bloody Massacre which fell out in that Island in the year 1641.

Those Evil Counsellors have also prevailed with the King to declare in *Scotland*, that he is clothed with *Absolute Power*, and that all the Subjects are bound to obey him without Reserve; upon which he has assumed an Arbitrary Power, both over the Religion and Laws of that Kingdom; from all which it is apparent, what is to be looked for in *England*, as soon as Matters are duly prepared for it.

Those great and insufferable Oppressions, and the open Contempt of all Law, together with the Apprehensions of the said Consequences that must certainly follow upon it, have put the Subjects under great and just Fears; and have made them look after such lawful Remedies as are allowed of in all Nations; yet all has been without effect. And those Evil Counsellors have endeavored to make all Men apprehend the loss of their Lives, Liberties, Honors and Estates, if they should go about to preserve themselves from this Oppression by Petitions, Representations, or other means authorized by Law. Thus did they proceed with the Archbishop of *Canterbury*, and the other Bishops, who having offered a most Humble Petition to the King, in Terms full of Respect, and not exceeding the number limited by Law, in which they set forth in short, the Reasons for which they could not obey that Order, which by the Instigation of those Evil Counsellors was sent them, requiring them to appoint their Clergy to read in their Churches the Declaration for *Liberty of Conscience*; were sent to Prison, and afterwards brought to a Trial, as if they had been guilty of some enormous Crime. They were not only obliged to defend themselves in that pursuit, but to appear before professed Papists, who had not taken the Test, and by consequence were Men whose Interest led them to condemn them; and the Judges that gave their Opinion in their Favors, were thereupon turned out.

And yet it cannot be pretended that any Kings, how great soever their Power has been, and how Arbitrary and Despotick soever they have been in the Exercise of it, have ever reckoned it a Crime for their Subjects to come in all Submission and Respect, and in a due Number, not exceeding the Limits of the Law, and represent to them the Reasons that made it impossible for them to obey their Orders. Those Evil Counsellors have also treated a Peer of the Realm as a Criminal, only because he said, that the Subjects were not bound to obey the orders of a Popish Justice of Peace; tho it is evident, that they being by Law rendred incapable of all such Trust, no regard is due to their orders: This being the Security which the People have by the Law for their Lives, Liberties, Honors and Estates, that they are not to be subjected to the Arbitrary Proceedings of Papists, that are, contrary to Law, put into any Employments Civil or Military.

Both we our selves, and our Dearest and most Entirely Beloved Consort, the Princess, have endeavored to signify in Terms full of Respect to the King, the just and deep Regret which all these Proceedings have given us; and in Compliance with His Majesties Desires signified to us, we declared both by word of Mouth, to his Envoy, and in Writing, what our Thoughts were, touching the Repealing of the *Test and Penal Laws*; which we did in such a manner, that we hoped we had proposed an Expedient, by which the Peace of those Kingdoms, and a happy Agreement among the Subjects, of all Perswasions, might have been settled; but those Evil Counsellors have put such ill Construtions on these our good Intentions, that they have endeavored to alienate the King more and more from us; as if we had designed to disturb the Quiet and Happiness of the Kingdom.

The last and great Remedy for all those Evils, is *The calling of a Parliament*, for securing the Nation against the Evil Practices of those wicked Counsellors; but this could not be yet compassed, nor can it be easily brought about. For those Men apprehending, that a lawful Parliament being once assembled, they would be brought to an account for all their open Violations of Law, and for their Plots and Conspiracies against the Protestant Religion, and the Lives and Liberties of the Subjects, they have endeavored, under the specious Pretence of *Liberty of Conscience*, first to sow Divisions among Protestants, between those of the Church of *England*, and the Dissenters: The design being laid to engage Protestants, that are all equally concerned, to preserve themselves from Popish Oppression, into mutual Quarrellings; that so by these, some Advantages might be given to them to bring about their Designs; and that both in the Election of the Members of Parliament, and afterwards in the Parliament it self. For they see well, that if all Protestants could enter into a mutual good Understanding one with another, and concur together in the Preserving of their Religion, it would not be possible for them to

compass their wicked ends. They have also required all Persons in the several Counties of *England*, that either were in any Employment, or were in any considerable Esteem, to declare before-hand, that they would concur in the Repeal of the *Test and Penal Laws*; and that they would give their Voices in the Elections to Parliament, only for such as would concur in it. Such as would not thus pre-engage themselves, were turned out of all Employments; and others who entered into those Engagements were put in their places, many of them being Papists. And contrary to the Charters and Privileges of those Boroughs, that have a Right to send Burgesses to Parliament, they have ordered such Regulations to be made, as they thought fit and necessary, for assuring themselves of all the Members that are to be chosen by those Corporations; and by this means they hope to avoid that Punishment which they have deserved; tho it is apparent, that all Acts made by Popish Magistrates, are null and void of themselves; so that no Parliament can be Lawful, for which the Elections and Returns are made by Popish Sheriffs and Mayors of Towns; and therefore as long as the Authority and Magistracy is in such Hands, it is not possible to have any Lawful Parliament. And tho according to the Constitution of the English Government, and Immemorial Custom, all Elections of Parliament-men ought to be made with an entire Liberty, without any sort of Force, or the requiring the Electors to chuse such Persons as shall be named to them, and the Persons thus freely elected, ought to give their Opinions freely, upon all Matters that are brought before them, having the good of the Nation ever before their Eyes, and following in all things the Dictates of their Conscience, yet now the People of *England* cannot expect a Remedy from a Free Parliament, legally Called and Chosen. But they may perhaps see one called, in which all Elections will be carried by Fraud or Force, and which will be composed of such Persons, of whom those Evil Counsellors hold themselves well assured, in which all things will be carried on according to their Direction and Interest, without any regard to the Good or Happiness of the Nation. Which may appear evidently from this, that the same Persons tried the Members of the last Parliament, to gain them to consent to the Repeal of the *Test and Penal Laws*; and procured that Parliament to be dissolved, when they found that they could not, neither by Promises nor Threatnings, prevail with the Members to comply with their wicked Designs.

But to Crown all, there are great and violent Presumptions, inducing us to believe, that those Evil Counsellors, in order to the carrying on of their ill Designs, and to the gaining to themselves the more time for the effecting of them, for the encouraging of their Complices, and for the discouraging of all Good Subjects, have published, that the *Queen* hath brought forth a Son; tho there have appeared both during the *Queens* Pretended Biggness, and in the manner in which the Birth was managed, so many just and visible Grounds of Suspicion, that not only we our selves, but all the good Subjects of those Kingdoms, do vehemently suspect, that the Pretended Prince of *Wales* was not born by the *Queen*. And it is notoriously known to all the World, that many both doubted of the *Queens* Biggness, and of the Birth of the Child, and yet there was not any one thing done to satisfy them, or to put an end to their Doubts.

And since our Dearest and most Entirely Beloved Consort, the Princess, and likewise we our selves, have so great an Interest in this Matter, and such a Right, as all the World knows, to the Succession to the Crown; since also the English did in the Year 1672. when the States General of the *United Provinces* were Invaded in a most unjust War, use their utmost Endeavors to put an end to that War, and that in Opposition to those who were then in the Government; and by their so doing, they run the Hazard of losing both the Favor of the Court, and their Employments: And since the English Nation has ever testified a most particular Affection and Esteem both to our Dearest Consort the Princess, and to our selves, We cannot excuse our selves from espousing their Interests, in a matter of such high Consequence; and from Contributing all that lies in us, for the Maintaining both of the Protestant Religion, and of the Laws and Liberties of those Kingdoms, and for the Securing to them the continual Enjoyment of all their just Rights. To the doing of which, we are most earnestly solicited by a great many Lords, both Spiritual and Temporal, and by many Gentlemen and other Subjects of all Ranks.

Therefore it is, that we have thought fit to go over to *England*, and to carry over with us a Force, sufficient, by the Blessing of God, to defend us from the Violence of those Evil Counsellors. And we being desirous that our Intentions in this may be rightly understood, have for this end prepared this *Declaration*, in which as we have hitherto given a true Account of the Reasons inducing us to it, So we now think fit to Declare, that this our Expedition, is intended for no other Design, but to have a free and lawful Parliament assembled as soon as is possible; and that in order to this, all the late Charters, by which



which the Elections of Burgeses are limited contrary to the Ancient Custom, shall be considered as null and of no force: And likewise all Magistrates who have been Injustly turned out, shall forthwith resume their former Employments, as well as all the Boroughs of *England* shall return again to their Ancient Prescriptions and Charters: And more particularly that the Ancient Charter of the Great and Famous City of *London* shall again be in Force: And that the Writs for the Members of Parliament shall be addressed to the proper Officers according to Law and Custom. That also none be suffered to choose or to be chosen Members of Parliament, but such as are qualified by Law: And that the Members of Parliament, being thus lawfully chosen, they shall meet and sit in full Freedom, that so the Two Houses may concur in the preparing of such Laws, as they upon full and free Debate shall judge necessary and convenient, both for the confirming and executing the Law concerning the *Test*, and such other Laws as are necessary for the Security and Maintenance of the Protestant Religion; as likewise for making such Laws as may establish a good Agreement between the Church of *England*, and all Protestant Dissenters, as also for the covering and securing of all such, who will live Peaceable under the Government as becomes good Subjects, from all Persecution, upon the account of their Religion, even *Papists* themselves not excepted; and for the doing of all other things, which the Two Houses of Parliament shall find necessary for the Peace, Honor and Safety of the Nation; so that there may be no more danger of the Nations falling at any time hereafter, under *Arbitrary Government*. To this Parliament we will also refer the Enquiry into the Birth of the Pretended Prince of *Wales*, and of all things relating to it, and to the Right of Succession.

And we, for our part, will concur in every thing that may procure the Peace and Happiness of the Nation, which a Free and Lawful Parliament shall determine; Since we have nothing before our Eyes, in this our Undertaking, but the Preservation of the Protestant Religion, the covering of all Men from Persecution for their Consciences, and the Securing to the whole Nation the free Enjoyment of all their Laws, Rights and Liberties, under a Just and Legal Government.

This is the design that we have proposed to our selves, in appearing upon this occasion in Arms: In the Conduct of which, we will keep the Forces under our Command, under all the Strictness of Martial Discipline; and take a special Care, that the People of the Countries, through which we must march, shall not suffer by their means: And as soon as the State of the Nation will admit of it, we promise that we will send back all those Foreign Forces that we have brought along with us.

We do therefore hope, that all People will judge rightly of us, and approve of these our Proceedings: But we chiefly rely on the Blessing of God, for the Success of this our Undertaking, in which we place our whole and only Confidence.

We do, in the last place, invite and require all Persons whatsoever, all the Peers of the Realm, both Spiritual and Temporal, all Lords-Lieutenants, Deputy-Lieutenants, and all Gentlemen, Citizens, and other Commons of all Ranks, to come and assist us, in order to the Executing of this our Design, against all such as shall endeavor to oppose us; that so we may prevent all those Miseries which must needs follow, upon the Nations being kept under Arbitrary Government and Slavery: And that all the Violences and Disorders, which have overturned the whole Constitution of the English Government, may be fully redressed, in a *Free and Legal Parliament*.

And we do likewise resolve, that as soon as the Nations are brought to a State of Quiet, we will take care that a Parliament shall be called in *Scotland*, for the restoring the Ancient Constitution of that Kingdom, and for bringing the Matters of Religion to such a Settlement, that the People may live Easy and Happy, and for putting an end to all the Injust Violences that have been in a course of so many Years committed there.

We will also study to bring the Kingdom of *Ireland* to such a State, that the Settlement there may be Religiously observed; and that the Protestant and British Interest there may be secured. And we will endeavor, by all possible means, to procure such an Establishment in all the Three Kingdoms, that they may all live in a Happy Union and Correspondence together; and that the Protestant Religion, and the Peace, Honor and Happiness of those Nations, may be established upon Lasting Foundations.

*Given under our Hand and Seal, at our Court at the Hague, the Tenth day of October, in the Year 1688.*

William Henry, Prince of Orange.

*By His Highness's Special Command,*

C. HUYGENS.

*His*

*His Highness's Additional Declaration.*

**A**fter we had prepared and printed this our Declaration, we have understood, that the Subverters of the Religion and Laws of those Kingdoms, hearing of our Preparations to assist the People against them, have begun to retract some of the Arbitrary and Despotick Powers that they had assumed, and to vacate some of their Injust Judgments and Decrees. The Sense of their Guilt, and the distrust of their Force, have induced them to offer to the City of *London*, some seeming Relief from their Great Oppressions; hoping thereby to quiet the People, and to divert them from demanding a Secure Re-establishment of their Religion and Laws under the shelter of our Arms. They do also give out, that we intend to Conquer and Enslave the Nation: And therefore it is, that we have thought fit to add a few words to our Declaration.

We are Confident, that no Persons can have such hard thought of us, as to imagine that we have any other Design in this Undertaking, than to procure a Settlement of the Religion, and of the Liberties and Properties of the Subjects upon so sure a Foundation, that there may be no danger of the Nations relapsing into the like Miseries at any time hereafter. And as the Forces that we have brought along with us, are utterly disproportioned to that wicked Design of Conquering the Nation, if we were capable of intending it, so the Great Numbers of the Principal Nobility and Gentry, that are Men of Eminent Quality and Estates, and Persons of known Integrity and Zeal both for the Religion and Government of *England*; many of them being also distinguished by their constant Fidelity to the Crown, who do both accompany us in this Expedition, and have earnestly solicited us to it, will cover us from all such Malicious Insinuations. For it is not to be imagined, that either those who have invited us, or those that are already come to assist us, can joyn in a wicked Attempt of Conquest, to make void their own lawful Titles to their Honors, Estates and Interests. We are also confident, that all Men see how little weight there is to be laid, on all Promises and Engagements that can be now made; since there has been so little regard had in time past, to the most solemn Promises. And as that imperfect Redress that is now offered, is a plain Confession of those Violations of the Government that we have set forth; so the Defectiveness of it is no less Apparent, for they lay down nothing which they may not take up at Pleasure; and they reserve entire, and not so much as mentioned, their Claims and Pretences to an Arbitrary and Despotick Power; which has been the Root of all their Oppression, and of the total Subversion of the Government. And it is plain, that there can be no Redress nor Remedy offered but in Parliament; by a Declaration of the Rights of the Subjects that have been invaded; and not by any Pretended Acts of Grace, to which the Extremity of their Affairs has driven them. Therefore it is that we have thought fit to declare, That we will refer all to a Free Assembly of the Nation, in a Lawful Parliament.

*Given under our Hand and Seal, at our Court in the Hague, the 24th. day of October, in the Year of our Lord 1688.*

**William Henry, Prince of Orange.**

*By His Highness's Special Command,*

**G. HUYGENS.**

*By*

*By his Highness William Henry, Prince of Orange, A Declaration. Printed in the Year, 1688.*

**W**E have in the course of our whole Life, and more particularly by the apparent Hazards both by Sea and Land, to which we have so lately exposed our Person, given to the whole World so high and undoubted Proofs of our fervent Zeal for the Protestant Religion, that we are fully confident no true English-man and good Protestant can entertain the least Suspicion of our firm Resolution, rather to spend our dearest Blood and perish in the Attempt, than not carry on the Blessed and Glorious Design which by the Favour of Heaven we have so successfully begun, to Rescue *England, Scotland, and Ireland* from Slavery and Popery, and in a Free Parliament to Establish the Religion, the Laws, and the Liberties of those Kingdoms upon such a sure and lasting Foundation, that it shall not be in the Power of any Prince for the future to introduce Popery and Tyranny.

Towards the more easy Compassing this great Design, we have not been hitherto deceived in the just Expectation we had of the Concurrence of the Nobility, Gentry, and People of *England* with Us, for the Security of their Religion, the Restitution of the Laws, and the Re-establishment of their Liberties and Properties: Great Numbers of all Ranks and Qualities having joyned themselves to us; and others at great Distances from Us, have taken up Arms and Declared for Us. And, which we cannot but particularly mention, in that Army which was Raised to be the Instrument of Slavery and Popery, may (by the special Providence of God) both Officers and common Souldiers have been touched with such a feeling sense of Religion and Honour, and of true Affection for their Native Country, that they have already deserted the Illegal Service they were engaged in, and have come over to Us, and have given us full Assurance from the rest of the Army, That they will certainly follow this Example, as soon as with our Army we shall approach near enough to receive them, without the Hazard of being prevented and betray'd. To which end, and that we may the sooner execute this just and necessary Design we are engaged in for the publick Safety and Deliverance of these Nations, We are resolved, with all possible Diligence, to advance forward, that a Free Parliament may be forthwith called, and such Preliminaries adjusted with the King, and all things first settled upon such a foot according to Law, as may give Us and the whole Nation just Reason to believe the King is disposed to make such necessary Condescensions on his part, as will give intire Satisfaction and Security to all, and make both King and People once more happy.

And that we may effect all this, in the way most agreeable to our Desires, if it be possible, without the Effusion of any Blood, except of those execrable Criminals who have justly forfeited their Lives for betraying the Religion and Subverting the Laws of their Native Country, We do think fit to declare, That as we will offer no Violence to any but in our own necessary Defence; so we will not suffer any Injury to be done to the Person even of a Papist, provided he be found in such Place, and in such Condition and Circumstances as the Laws require. So we are resolved and do declare that all Papists, who shall be found in open Arms, or with Arms in their Houses, or about their Persons, or in any Office or Employment Civil or Military upon any Pretence whatsoever contrary to the known Laws of the Land, shall be treated by Us and our Forces not as Soldiers and Gentlemen, but as Robbers, Free-Booters and *Banditti*; they shall be incapable of Quarter, and intirely delivered up to the Discretion of our Soldiers. And We do further declare that all Persons who shall be found any ways aiding and assisting to them, or shall march under their Command, or shall joyn with or submit to them in the Discharge or Execution of their Illegal Commissions or Authority, shall be looked upon as Partakers of their Crimes, Enemies to the Laws, and to their Country.

And whereas we are certainly informed that great Numbers of armed Papists have of late resorted to *London* and *Westminster*, and parts adjacent, where they remain, as we have reason to suspect, not so much for their own Security, as out of a wicked and barbarous Design to make some desperate Attempt upon the said Cities, and their Inhabitants by Fire, or a sudden Massacre, or both; or else to be the more ready to joyn themselves to a Body of *French* Troops, designed, if it be pos-



fible, to land in *England*, procured of the French King, by the Interest and Power of the Jesuits in Pursuance of the Engagements, which at the Instigation of that pestilent Society, his most Christian Majesty, with one of his Neighbouring Princes of the same Communion, has entred into for the utter Extirpation of the Protestant Religion out of *Europe*. Tho we hope we have taken such effectual care to prevent the one, and secure the other, that by God's Assistance, we cannot doubt but we shall defeat all their wicked Enterprises and Designs.

We cannot however forbear out of the great and tender Concern We have to preserve the People of *England*, and particularly those great and populous Cities, from the cruel Rage and bloody Revenge of the Papists, to Require and expect from all the Lord-Lieutenants, Deputy-Lieutenants, and Justices of the Peace, Lord-Mayors, Mayors, Sheriffs, and all other Magistrates and Officers Civil and Military, of all Counties, Cities and Towns of *England*, especially of the County of *Middlesex*, and Cities of *London* and *Westminster*, and parts adjacent, that they do immediately disarm and secure, as by Law they may and ought, within their respective Counties, Cities and Jurisdictions, all Papists whatsoever, as Persons at all times, but now especially most dangerous to the Peace and Safety of the Government, that so not only all Power of doing mischief may be taken from them; but that the Laws, which are the greatest and best Security, may resume their Force, and be strictly Executed.

And We do hereby likewise Declare that We will Protect and Defend all those who shall not be afraid to do their Duty in Obedience to these Laws. And that for those Magistrates and others of what condition soever they be, who shall refuse to assist Us, and in Obedience to the Laws to Execute vigorously what we have required of them, and suffer themselves at this Juncture to be cajoled or terrified out of their Duty, We will esteem them the most Criminal and Infamous of all Men; Betrayers of their Religion, the Laws, and their Native Country, and shall not fail to treat them accordingly; resolving to expect and require at their hands the Life of every single Protestant that shall perish, and every House that shall be burnt or destroyed by their Treachery and Cowardise.

*William Henry, Prince of Orange.*

By his Highness's special Command,

C. HUYGENS.

Given under our Hand and  
Seal at our Head-quarters  
at Sherburn-Castle,  
the 28th day of November,  
1688.

The following Paper was Published by Mr. *Samuel Johnson*, in the Year, 1686. for which he was Sentenc'd by the Court of *King's-Bench*, (Sir *Edward Herbert* being Lord Chief Justice) to stand three times on the Pillory, and to be whipp'd from *Newgate* to *Tyburn*: Which barbarous Sentence was Executed.

*An Humble and Hearty Address to all the English Protestants in this present Army.*

Gentlemen,

**N**EXT to the Duty which we owe to God, which ought to be the principal Care of Men of your Profession especially, (because you carry your Lives in your Hands, and often look Death in the Face); The second Thing that deserves your Consideration, is, The service of your Native Country, wherein you drew your first Breath, and breathed a free English Air. Now I would desire you to consider,  
how

how well you comply with these two main Points, by engaging in this present Service.

Is it in the Name of God, and for his Service, that you have joyned your selves with *Papists*; who will indeed fight for the *Masi-book* but burn the *Bible*, and who seek to Extirpate the *Protestant Religion* with *Your Swords*, because they cannot do it with their *Own*? And will you be Aiding and Assisting to set up *Masi-houses*, to Erect that Popish Kingdom of Darknes and Desolation amongst us, and to train up all our Children in *Popery*? How can you do these Things, and yet call your selves *Protestants*?

And then what Service can be done your Country, by being under the Command of *French and Irish Papists*, and by bringing the Nation under a Foreign Yoke? Will you help them to make forcible Entry into the Houses of your Country-men, under the Name of *Quartering*, directly contrary to *Magna Charta* and the *Petition of Right*? Will you be Aiding and Assisting to all the Murders and Outrages which they shall commit by their void Commissions? Which were declared Illegal, and sufficiently blasted by both Houses of Parliament, (if there had been any need of it) for it was very well known before, That a *Papist* cannot have a Commission, but by the Law is utterly Disabled and Disarmed. Will you exchange your Birth-right of *English Laws and Liberties* for *Martial or Club-Law*, and help to destroy all others, only to be eaten last your selves? If I know you well, as you are English Men, you hate and scorn these Things. And therefore be not unequally yoked with *Idolatrous and Bloody Papists*. Be Valiant for the Truth, and shew your selves Men.

The same Considerations are likewise humbly offered to all the *English Seamen*, who have been the Bulwark of this Nation against *Popery* and *Slavery* ever since *Engly Eight*.

### Several Reasons for the Establishment of a standing Army, and Dissolving the Militia. By Mr. S. Johnson.

1. **B**ECAUSE the Lords Lieutenants, Deputy Lieutenants, and the whole *Militia*, that is to say, the Lords, Gentlemen, and Free-holders of *England*, are not fit to be trusted with their own Laws, Lives, Liberties, and Estates, and therefore ought to have Guardians and Keepers assigned to them.
2. Because *Mercenary Soldiers*, who fight for twelve Pence a Day, will fight better, as having more to lose than either the Nobility or Gentry.
3. Because there are no *Irish Papists* in the *Militia*, who are certainly the best Soldiers in the World, for they have slain Men, Women, and Children, by Hundreds of Thousands at once.
4. Because the *Dragooners* have made more Converts than all the Bishops and Clergy of *France*.
5. The Parliament ought to establish one standing Army at the least, because indeed there will be need of Two, that one of them may defend the People from the other.
6. Because it is a thousand pities that a brave *Popish Army* should be a Riot.
7. Unless it be Established by Act of Parliament, The Justices of Peace will be forced to suppress it in their own Defence; for they will be loth to forfeit an hundred Pounds every day they rise, out of Complement to a *Popish Rout*. 13 H. 4. c. 7. 2 H. 5. c. 8.
8. Because a *Popish Army* is a Nullity. For all *Papists* are utterly disabled (and punishable besides) from bearing any Office in Camp, Troop, Band, or Company of Soldiers, and are so far disarmed by Law, that they cannot wear a Sword, so much as in their Defence, without the allowance of four Justices of the Peace of the County: And then upon a March they will be perfectly Incanted, for they are not able to stir above five Miles from their own Dwelling-house. 31 Jac. 5. Sess. 8. 27, 28, 29. 35 Eliz. 2. 3 Jac. 5. Sess. 7.
9. Because Persons utterly disabled by Law are utterly Unauthorized; and therefore the void Commissions of Killing and Slaying in the Hands of *Papists*, can only enable them to Massacre and Murder.

To the King's Most Excellent Majesty,

*The Humble Petition of William Arch-Bishop of Canterbury, and divers of the Suffragan Bishops of that Province (now present with him) in behalf of themselves, and others of their absent Brethren, and of the Clergy of their respective Diocesses.*

*Humbly sheweth,*

**T**HAT the great averſeness they find in themselves to the distributing and publishing in all their Churches, your Majesty's late Declaration for *Liberty of Conscience*, proceeds neither from any want of Duty and Obedience to your Majesty, (our Holy Mother the Church of *England*, being both in her Principles and in her constant Practice unquestionably Loyal; and having to her great Honour, been more than once publicly acknowledg'd to be so by your Gracious Majesty;) Nor yet from any want of due tenderness to Dissenters, in relation to whom they are willing to come to such a Temper as shall be thought fit, when that Matter shall be considered and settled in Parliament and Convocation. But among many other Considerations, from this especially, because that Declaration is founded upon such a Dispensing Power, as has been often declared Illegal in Parliament, and particularly in the years 1662, and 1672. and in the beginning of your Majesty's Reign; and is a matter of so great Moment and Consequence to the whole Nation, both in Church and State, that your Petitioners cannot in Prudence, Honour, or Conscience, so far make themselves Parties to it, as the distribution of it all over the Nation, and the solemn Publication of it once and again, even in God's House, and in the Time of his Divine Service, must amount to in common and reasonable Construction.

*Your Petitioners therefore most Humbly and Earnestly beseech your Majesty, that you will be ciously pleased, not to insist upon their Distributing and Reading your Majesty's said Declaration.*

*And Your Petitioners, as in Duty bound, shall ever Pray.*

Will. Cant.  
Will. Asaph.  
Fr Ely.  
Jo. Ciceſtr.

Tho. Bathon. & Wellen.  
Tho. Peterburgen.  
Jonath. Bristol.

His Majesties Answer was to this effect.

**I** Have heard of this before, but did not believe it. I did not expect this from the Church of England, especially from some of you. If I change my Mind, you shall hear from me; if not, I expect my Command shall be obeyed.

The PETITION of the Lords Spiritual and Temporal for the Calling of a *Free Parliament*: Together with his Majesty's Gracious Answer to their Lordships.

To the KING's most Excellent Majesty.

*The Humble Petition of the Lords Spiritual and Temporal, whose Names are subscribed.*

*May it please your Majesty,*

**W**E your Majesty's most loyal Subjects, in a deep sense of the Miseries of a War now breaking forth in the Bowels of this your Kingdom and of the Danger to which your Majesty's Sacred Person is thereby like to be exposed, and also of the Distractions of your People, by reason of their present Grievances, do think our selves bound in Conscience of the duty we owe to God, and our holy Religion, to your Majesty,



## *The Prince of Orange's Letter to the English Army.* 431

jeſty, and our Country, moſt humbly offer to your Maſteſty, That in our Opinion, the only viſible Way to preſerve your Maſteſty, and this your Kingdom, would be the Calling of a Parliament, Regular and Free in all its Circumſtances.

*We therefore do moſt earneſtly beſeech your Maſteſty, That you would be graciouſly pleaſed, with all ſpeed, to call ſuch a Parliament, wherein we ſhall be moſt ready to promote ſuch Counſels and Reſolutions of Peace and Settlement in Church and State, as may conduce to your Maſteſty's Honour and Safety, and to the quieting the Minds of your People.*

*We do likewiſe humbly beſeech your Maſteſty, in the mean time, to uſe ſuch means for the preventing the Effuſion of Chriſtian Blood, as to your Maſteſty ſhall ſeem moſt meet.*

And your Petitioners ſhall ever pray, &c.

W. Cant.  
Grafton.  
Ormond.  
Dorſet.

Clare.  
Clarendon.  
Burlington.  
Angleſey.

Rocheſter.  
Newport.  
Nom. Ebor.  
W. Aſaph.

Fran. Ely.  
Tho. Roſſen.  
Tho. Petriburg.  
Tho. Oxon.

Paget.  
Chandois.  
Oſulſton.

Preſented by the Arch-Biſhop of Canterbury, the Arch-Biſhop of York Elect, the Biſhop of Ely, and the Biſhop of Rocheſter the 17th of November, 1688.

### *His Maſteſty's moſt Gracious Answer.*

My LORDS,

**W**HAT You ask of Me, I moſt paſſionately deſire: And I promiſe You, upon the Faith of a King, That I will have a Parliament, and ſuch an One as You ask for, as ſoon as ever the Prince of Orange has quitted this Realm; For, How is it poſſible a Parliament ſhould be Free in all its Circumſtances, as You Petition for, whil'ſt an Enemy is in the Kingdom, and can make a Return of near an Hundred Voices?

*The Lords Petition, with the King's Answer, may be printed, Novemb. 29. 1688.*

## *The P. O.'s Letter to the English Army.*

Gentlemen and Friends,

**W**E have given you ſo full, and ſo true an Account of Our Intentions, in this Expedition in Our Declaration, that as We can add nothing to it, ſo We are ſure you can deſire nothing more of us. We are come to preſerve your Religion, and to reſtore and eſtabliſh your Liberties and Properties; and therefore We cannot ſuffer Our ſelves to doubt but that all true *English men* will come and concur with Us, in Our deſire to ſecure theſe Nations from P O P E R Y and S L A V E R Y. You muſt all plainly ſee, that you are only made uſe of as Inſtruments to enſlave the Nation, and ruin the Proteſtant Religion, and when that is done, you may judge what ye your ſelves ought to expect, both from the caſhiering of all the Proteſtant and *English* Officers and Soldiers in Ireland, and by the *Irish* Soldiers being brought over to be put in your places; and of which you have ſeen ſo freſh an inſtance, that we need not put you in mind of it. You know how many of your Fellow-Officers have been uſed for their ſtanding firm to the Proteſtant Religion, and to the Laws of England, and you cannot flatter your ſelves ſo far as to expect to be better uſed, if thoſe who have broke their word ſo often, ſhould by your means be brought out of thoſe Straits to which they are reduced at preſent. We hope likewiſe, that you will not ſuffer your ſelves to be abuſed by a falſe Notion of Honour, but that you will in the firſt place conſider, what you owe to Almighty God and your Religion, to your Country, to your Selves, and to your Poſterity, which you, as Men of Honour, ought to prefer to all private Conſiderations and Engagements whatſoever. We do therefore expect, that you will conſider the Honour that is now ſet before you, of being the Inſtruments of ſerving your Country, and ſecuring your Religion, and We will ever remember the Service you ſhall do Us upon this Occaſion; and will promiſe unto you, that We ſhall place ſuch particular Marks of our Favour on every one of you, as your Behaviour at this time ſhall deſerve of Us, and the Nation; in which we will make a great Diſtinction of thoſe that ſhall come ſeaſonably to join their Arms with ours, and you ſhall find us to be

*Your Well-wiſhing, and Affured Friend, W. H. P. O.*

U u u u u

Prince

*Prince George's Letter to the King.*

S I R,

WITH a Heart full of Grief am I forced to Write, what Prudence will not permit me to say to your Face. And may I e'er find Credit with your Majesty, and protection from Heaven, as what I now do, is free from Passion, Vanity or Design, with which Actions of this Nature are too often accompanied. I am not ignorant of the frequent Mischiefs wrought in the World by factious pretences of Religion; but were not Religion the most justifiable Cause, it would not be made the most specious pretence. And your Majesty has always shewn too uninterested a Sense of Religion, to doubt the just Effects of it in one whose Practices, have, I hope, never given the World cause to censure his real conviction of it, or his backwardness to perform what his Honour and Conscience prompt him to: How then can I longer disguise my just Concern for that Religion in which I have been so happily Educated, which my Judgment thoroughly convinces me to be best; and for the Support of which I am so highly interested in my Native Country? And is not *England* now by the most endearing Tie become so?

Whilst the restless Spirits of the Enemies of the *REFORMED RELIGION*, back'd by the cruel Zeal and prevailing Power of *France*, justly alarm and unite all the Protestant Princes of *Christendom*, and engage them in so vast an Expence for the support of it, can I act so degenerate and mean a part, as to deny my Concurrence to such worthy Endeavours for disabusing of your Majesty by the Reinforcement of those Laws, and Establishment of that Government, on which alone depends the well-being of your Majesty, and of the *PROTESTANT RELIGION* in *Europe*? This, Sir, is that irresistible and only Cause that cou'd come in Competition with my Duty and Obligations to your Majesty, and be able to tear me from You, whilst the same Affectionate Desire of serving You continues in me. Could I secure your Person by the Hazard of my Life, I should think it could not be better Employed: And wou'd to God these Your distracted Kingdoms might yet receive that satisfactory Compliance from your Majesty in all their justifiable pretensions, as might upon the only sure Foundation, that of the Love and Interest of your Subjects, establish your Government, and as strongly Unite the Hearts of all your Subjects to You, as is that of,

S I R,

Your Majesty's most Humble, and most Obedient  
Son and Servant.

*The Lord Churchill's Letter to the King.*

S I R,

SINCE Men are seldom suspected of Sincerity, when they act contrary to their Interests; and though my dutiful Behaviour to your Majesty in the worst of Times, (for which I acknowledge my poor Services much overpaid) may not be sufficient to incline You to a charitable Interpretation of my Actions, yet I hope, the great Advantage I enjoy under Your Majesty, which I can never expect in any other change of Government, may reasonably convince Your Majesty and the World, that I am acted by a higher Principle, when I offer that violence to my inclination and interest, as to desert Your Majesty at a time when your Affairs seem to challenge the strictest Obedience from all your Subjects, much more from one who lies under the greatest personal Obligations imaginable to Your Majesty. This Sir, could proceed from nothing but the inviolable Dictates of my *CONSCIENCE*, and a necessary concern for my *RELIGION* (which no good man can oppose) and with which I am instructed nothing ought to come in Competition. Heaven knows with what partiality my dutiful Opinion of Your Majesty hath hitherto represented those unhappy Designs, which inconsiderate and self-interested men have framed against Your Majesty's true Interest and the Protestant Religion. But as I can no longer joyn with such to give a pretence by Conquest to bring them to effect, so will I always with the hazard of my Life and Fortune (so much your Majesty's due) endeavour to preserve Your Royal Person and Lawful Rights, with all the tender Concern and dutiful Respect that becomes,

S I R,

Your Majesty's most Dutiful and most Obligated Subject and Servant.  
The

*The Princess Ann of Denmark's Letter to the Queen,*

*Madam,*

I Beg your pardon if I am so deeply affected with the surprising News of the Prince being gon, as not to be able to see You, but to leave this Paper to Express my humble Duty to the King and your Self; and to let You know that I am ~~absent~~ absent my self to avoid the King's Displeasure, which I am not able to bear ~~the~~ against the Prince or my Self: And I shall stay at so great a distance, as not to return before I hear the happy News of a Reconcilement: And as I am confident the Prince did not leave the King with any other design, than to use all possible means for His Preservation; so I hope You will do me the Justice to believe that I am incapable of following Him for any other End. Never was any one in such an unhappy Condition, so divided between Duty and Affection, to a Father, and a Husband; and therefore I know not what to do, but to follow one to preserve the other. I see the general falling off of the Nobility and Gentry, who avow to have no other end, than to prevail with the King to secure their Religion, which they saw so much in danger by the *Violent Counsels of the Priests*; who to promote their own Religion, did not care to what dangers they exposed the King: *I am fully perswaded that the Prince of Orange designs the King's safety and preservation*, and hope all things may be composed without more Blood-shed, by the calling a *Parliament*. God grant a happy End to these Troubles, that the King's Reign may be prosperous, and that I may shortly meet You in perfect peace and safety; till when, let me beg You to continue the same favourable Opinion that You have hitherto had of

*Your most Obedient Daughter and Servant,*

A N N E.

*A Memorial of the Protestants of the Church of England, Presented to their Royal Highnesses the Prince and Princess of Orange.*

YOur Royal Highnesses cannot be ignorant that the Protestants of England, who continue true to their Religion and the Government Established by Law, have been many ways troubled and vexed by restless contrivances and designs of the Papists, under pretence of the Royal Authority, and things required of them unaccountable before God and Man; Ecclesiastical Benefices and Preferments taken from them, without any other Reason but the King's Pleasure; that they have been summoned and sentenced by Ecclesiastical Commissioners, contrary to Law, deprived of their Birth-Right in the free Choice of their Magistrates and Representatives; divers Corporations dissolved; the Legal Security of our Religion and Liberty, established and ratified by King and Parliament, annul'd and overthrown by a pretended *Dispensing Power*; new and unheard of Maxims have been preached, as if Subjects had no Rights but what depends on the King's Will and Pleasure. The *Militia* put into the Hands of persons not qualified by Law; and a Popish Mercenary Army maintained in the Kingdom in time of Peace, absolutely contrary to Law: The Execution of the Law against several high Crimes and Misdemeanours superseded and prohibited; the Statutes against Correspondence with the Court of Rome, Papal Jurisdiction, and Popish Priests, suspended; that in Courts of Justice those Judges are displaced who dare acquit them whom the King would have Condemned, as happened to Judge *Powel* and *Holloway* for acquitting the Seven Bishops: Liberty of chusing Members of Parliament notwithstanding all the Care taken, and Provision made by Law on that behalf) wholly taken away by *Quo Warranto's* served against Corporations, and the three known Questions. All things carried on in open view for the Propagation and Growth of Popery; for which the Courts of England and France have so long jointly laboured with so much Application and Earnestness. Endeavours used to perswade your Royal Highnesses to consent to Liberty of Conscience, and abrogating the Penal Laws and Tests, wherein they fell short of their aim.

That



*Gliding*  
That they most humbly implore the Protection of your Royal Highnesses, as to the ending and inroachments made upon the Law for maintenance of the Protestant Religion, our Civil and Fundamental Rights and Priviledge; and that Your Royal Highness would be pleased to insist, that the Free Parliament of *England*, according to Law, may be restored, the Laws against Papiſts, Priests, Papal Jurisdiction, &c. put in Execution, and the Suspending and Dispensing Power declared null and void; the Rights and Priviledges of the City of *London*, the free Choice of their Magistrates, and the Liberties as well of that as other Corporations restored, and all things returned to their ancient Channel, &c.

*Admiral Herbert's Letter to all Commanders of Ships and Seamen in His Majesties Fleet.*

Gentlemen,

I Have little to add to what his Highness has express'd in general Terms, besides laying before you the dangerous way you are at present in, where Ruin or Infamy must inevitably attend you, if you don't joyn with the *Prince* in the Common Cause, for the Defence of your Religion and Liberties; for should it please God, for the sins of the English Nation, to suffer your Arms to prevail, to what can your Victory serve you, but to enslave you deeper, and overthrow the true Religion, in which you have liv'd, and your Fathers dy'd? Of which, I beg you, as a Friend, to consider the Consequences, and to reflect on the Blot and Infamy it will bring on you, not only now, but in all After-Ages, That by Your means the *Protestant Religion* was destroy'd, and your Country depriv'd of its Ancient Liberties: And if it pleases God to bless the *Prince's* Endeavours with success, as I don't doubt but he will, consider then what their Condition will be that oppose him in this so good a Design, where the greatest Favour they can hope for, is, their being suffer'd to end their Days in Misery and Want, detested and despised by all good Men.

It is therefore, and for many more Reasons, too long to insert here, that I, as a true English-man and your Friend, exhort you to joyn your Arms to the *Prince*, for the Defence of the Common Cause, the Protestant Religion, and the Liberties of your Country. It is what I am well assured the *major* and best part of the Army, as well as the Nation, will do so soon as convenience is offered. Prevent them in so good an Action whilst it is in your power; and may it appear, That as the Kingdom hath always depended on the Navy for its Defence, so you will yet go further, by making it, as much as in you lies, the Protection of her Religion and Liberties; and then you may assure your selves of all Marks of Favour and Honour suitable to the Merits of so great and glorious an Action. After this I ought not to add so inconsiderable a thing, as that it will for ever engage me to be in a most particular manner,

Your faithful Friend,

Aboard the *Leyden*  
in the *Gooree*.

and humble Servant,

A. R. HERBERT.

*Lord Delamear's Speech.*

THE occasion of this, is to give you my Thoughts upon the present Conjuncture, which concerns not only you, but every Protestant, and Free-born Man of *England*, I am confident, that wishes well to the Protestant Religion and his Country; and I am perswaded that every Man of you thinks both in danger, and now to lie at stake. I am also perswaded, that every Man of you will rejoyce to see Religion and Property settled; if so, then I am not mistaken in my Conjectures concerning you. Can you ever hope for a better Occasion to root out *POPERT* and *SLAVERY*, than by joining with the *P. of O.* whose Proposals contain and speak the Desires of every Man that loves his Religion and Liberty? And in saying this, I will invite you to nothing but what I will do my self; and I will not desire any of you to go any further than I will move my self; neither will I put you upon any Danger where I will not take share in it. I propose this to you, not as you are my Tenants, but as my Friends, and as you are Englishmen.

men. No Man can love Fighting for its own sake, nor find any pleasure in danger. And you may imagine, I would be very glad to spend the rest of my days in peace, I having had so great a share in Troubles; but I see all lies at stake, I am to chuse whether I will be a Slave and a Papist, or a Protestant and a Free man; and therefore the Case being thus, I shall think my self false to my Country, if I sit still at this time. I am of Opinion, that when the Nation is Deliver'd, it must be by Force or by Miracle: It would be too great a presumption to expect the latter, and therefore our Deliverance must be by Force, and I hope this is the Time for it; a Price is now put into our Hands, and if it miscarry for want of Assistance, our Blood is upon our own Heads; and he that is passive at this Time, may very well expect that God will mock when the Fear of Affliction comes upon him, which he thought to avoid by being indifferent.

If the King prevails, farewell Liberty of Conscience, which has hitherto been allowed, not for the sake of the Protestants, but in order to settle Popery. You may see what to expect if he get the better; and he hath lately given you, of this Town, a taste of the Method, whereby he will maintain his Army. And you may see of what sort of People he intends his Army to consist; and if you have not a mind to serve such Masters, then stand not by and see your Country-men perish, when they are endeavouring to defend you.

I promise this on my Word and Honour, to every Tenant that goes along with me, That if he fall, I will make his Lease as good to his Family, as it was when he went from home. The thing then which he desires, and your Country does expect from you, is this, That every Man that hath a tolerable Horse, or can procure one, will meet me on Boden-Downs to morrow, where I Rendezvous: But if any of you is rendred unable by reason of Age, or any other just Excuse, then that he would mount a fitter person, and put five Pounds in his Pocket. Those that have not, nor cannot procure Horse, let them stay at home and assist with their Purses, and send it to me with a particular of every Mans Contribution. I impose on no Man, but let him lay his Hand on his Heart, and consider what he is willing to give to recover his Religion and Liberty; and to such I promise, and to all that go along with me, that if we prevail, I will be as industrious to have him recompensed for his Charge and Hazard, as I will be to seek it for my self. This Advice I give to all that stay behind, That when you hear the Papists have committed any Out-rage, or any Rising, that you will get together; for it is better to meet your danger than expect it. I have no more to say, but that I am willing to lose my Life in the Cause, if God see it good, for I was never unwilling to die for my Religion and Country.

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*An Engagement of the Noblemen, Knights and Gentlemen at Exeter, to Assist the Prince of Orange, in the Defence of the Protestant Religion, Laws and Liberties of the People of England, Scotland and Ireland.*

WE do engage to Almighty God, and to his Highness the Prince of Orange, and with one another, to stick firm to this Cause, and to one another in the Defence of it, and never to depart from it, until our Religion, Laws, and Liberties are so far secured to us in a Free-Parliament, that we shall be no more in danger of falling under Popery and Slavery. And whereas we are engaged in the Common Cause under the Protection of the Prince of Orange, by which means his Person may be exposed to Danger, and to the desperate and cursed Designs of Papists, and other bloody Men, we do therefore solemnly engage to God and to one another, That if any such Attempts be made upon him, we will pursue not only those that made them, but all their Adherents, and all we find in Arms against us, with the utmost Severity of just Revenge in their Ruin and Destruction; and that the executing any such Attempt (which God of his Infinite Mercy forbid) shall not deprive us from pursuing this Cause which we do now undertake, but that it shall encourage us to carry it on with all the Vigour that so Barbarous Approach shall deserve.

*The Declaration of the Nobility, Gentry, and Commonalty at the Rendezvous at Nottingham, Nov. 22. 1688.*

WE the Nobility, Gentry, and Commonalty of these Northern Counties assembled together at *Nottingham*, for the Defence of the Laws, Religion, and Properties, according to those free-born Liberties and Privileges, descended to us from our Ancestors, as the undoubted Birth-right of the *Subjects* of this Kingdom of *England*, (not doubting but the Infringers and Invaders of our Rights will represent us to the rest of the Nation in the most malicious dress they can put upon us) do here unanimously think it our Duty to declare to the rest of our *Protestant Fellow Subjects*, the Grounds of our present Undertaking.

We are by innumerable Grievances made sensible, that the very Fundamentals of our Religion, Liberties and Properties, are about to be rooted out by our late Jesuitical Privy Council, as hath been of late too apparent. 1. By the King's dispensing with all the Establish'd Laws at his pleasure. 2. By displacing all Officers out of all Offices of Trust and Advantage, and placing others in their room that are known *Papists*, deservedly made incapable by the Establish'd Laws of our Land. 3. By destroying the Charters of most Corporations in the Land. 4. By discouraging all Persons that are not *Papists*, preferring such as turn to *Popery*. 5. By displacing all honest and conscientious Judges, unless they would, contrary to their Consciences, declare that to be Law which was merely arbitrary. 6. By branding all Men with the name of *Rebels*, that but offered to justify the Law, to a legal course against the arbitrary proceedings of the King, or any of his corrupt Ministers. 7. By burthening the Nation with an Army, to maintain the Violation of the Rights of the *Subjects*. 8. By discountenancing the Establish'd Reformed Religion. 9. By forbidding the *Subjects* the benefit of Petitioning, and constituting them *Libellers*; so rendring the Laws a Nose of Wax, to serve their Arbitrary End. And many more such-like, too long here to enumerate.

We being thus made sadly sensible of the Arbitrary and Tyrannical Government that is by the Influence of Jesuitical Counsels coming upon us, do unanimously declare, That not being willing to deliver our Posterity over to such a Condition of *Popery* and *Slavery*, as the aforesaid Oppressions inevitably threaten; we will, to the utmost of our power, oppose the same, by joining with the Prince of *Orange* (whom we hope God Almighty hath sent to rescue us from the Oppressions aforesaid) will use our utmost Endeavours for the recovery of our almost ruin'd Laws, Liberties and Religion: And herein we hope all good *Protestant Subjects* will with their Lives and Fortunes be assistant to us, and not be bugbear'd with the opprobrious Terms of *Rebels*, by which they would fright us, to become perfect *Slaves* to their Tyrannical Insolences and Usurpations; for we assure our selves, that no rational and unbiassed Person will judge it Rebellion to defend our Laws and Religion, which all our Princes have sworn at their Coronations: Which Oath, how well it hath been observed of late, we desire a *Free Parliament* may have the Consideration of.

We own it Rebellion to resist a King that governs by Law, but he was always accounted a Tyrant that made his Will his Law; and to resist such an one we justly esteem no Rebellion, but a necessary Defence: And in this Consideration we doubt not of all Honest Mens Assistance, and humbly hope for, and implore the great Gods Protection, that turneth the Hearts of People as pleaseth him best; it having been observed, That People can never be of one Mind without his Inspiration, which hath in all Ages confirmed that Observation, *Vox Populi est Vox Dei*.

The present restoring of Charters, and reverting the oppressing and unjust Judgment given on *Magdalen Colledg Fellows*, is plain, are but to still the People, like Plums to Children, by deceiving them for a while; but if they shall by this Stratagem be fooled, till this present Storm that threatens the *Papists*, be past, as soon as they shall be settled, the former Oppression will be put on with greater vigour: But we hope in vain is the Net spread in the sight of the Birds; For (1.) the *Papists* old Rule is, That Faith is not to be kept with *Heretics*; as they term *Protestants*, tho the *Popish Religion* is the greatest Heresie. And (2.) *Queen Mary's* so ill observing her Promises to the *Suffolk-men* that help'd her to the Throne. And above all, (3.) the Popes dispensing with the breach of Oaths, Treaties, or Promises, at his pleasure, when it makes for the service of Holy Church, as they term it. These, we say, are such convincing Reasons to hinder us from giving Credit to the aforesaid *Mock-Shews* of Redress, that we think our selves bound in Conscience to rest on no Security that shall not be approved by a *Freely Elected Parliament*, to whom, under God, we refer our Cause.

*Hic*



*His Grace the Duke of Norfolk's Speech to the Mayor of Norwich, on the First of December, in the Market-place of Norwich.*

*Mr. Mayor,*

**N**OT doubting but you and the rest of your Body, as well as the whole City and Country, may be Alarmed by the great Concourse of Gentry, with the numerous Appearance of their Friends and Servants, as well as of your own *Militia*, here this Morning, I have thought this the most proper place, as being the most publick one, to give you an Account of our Intentions.

Out of the deep sense we had that in the present unhappy Juncture of Affairs, nothing we could think of was possible to secure the Laws, Liberties, and Protestant Religion, but a Free Parliament; **WE ARE HERE MET TO DECLARE**, That we will do our utmost to defend the same, by declaring for such a Free Parliament.

And since His Majesty hath been pleased (by the News we hear this day) to order Writs for a Parliament to sit the Fifteenth of *January* next, I can only add, in the name of my Self and all these Gentlemen, and others here met, That we will ever be ready to support and defend the Laws, Liberties, and Protestant Religion. And so **GOD SAVE THE KING.**

To this the Mayor, Aldermen, and the rest of the Corporation, and a numerous Assembly, did concur with his Grace and the rest of the Gentry.

His Grace at his lighting from his Horse, perceiving great numbers of Common People gathering together, called them to him, and told them, He desired they would not take any occasion to commit any Disorder or Outrage, but go quietly to their Homes; and acquainted them that the King had ordered a Free Parliament to be called.

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*The Speech of the Prince of Orange, to some Principal Gentlemen of Somersetsshire and Dorsetshire, on their coming to joyn his Highness at Exeter the 15th of Nov. 1688.*

**T**H O we know not all your Persons, yet we have a Catalogue of your Names, and remember the Character of your Worth and Interest in your Country. You see we are come according to your Invitation and our Promise. Our Duty to God obliges us to protect the Protestant Religion; and our Love to Mankind, your Liberties and Properties. We expected you that dwelt so near the place of our Landing, would have joyn'd us sooner, not that it is now too late, nor that we want your Military Assistance so much as your Countenance and Presence, to justify our declar'd Pretensions, rather than accomplish our good and gracious Designs. Tho we have brought both a good Fleet, and a good Army, to render these Kingdoms happy, by rescuing all Protestants from Popery, Slavery, and Arbitrary Power; by restoring them to their Rights and Properties established by Law, and by promoting of Peace and Trade, which is the Soul of Government, and the very Life-Blood of a Nation; yet we rely more on the goodness of God and the Justice of our Cause, than on any Humane Force and Power whatever. Yet since God is pleased we shall make use of Human Means, and not expect Miracles, for our Preservation and Happiness; let us not neglect making use of this gracious Opportunity, but with Prudence and Courage put in Execution our so honourable Purposes. Therefore, Gentlemen, Friends and Fellow-Protestants; we bid you and all your Followers most heartily Welcom to our Court and Camp. Let the whole World now judg, if our Pretensions are not Just, Generous, Sincere and above Price; since we might have even a Bridge of Gold to return back: But it is our Principle and Resolution, rather to die in a good Cause, than live in a bad One, well knowing that Vertue and True Honour is its own Reward, and the Happiness of Mankind Our Great and Only Design

*The*

*The true Copy of a Paper delivered by the Lord Devonshire, to the Mayor of Darby, where he quarter'd the one and twentieth of November, 1688.*

WE the Nobility and Gentry of the Northern parts of England, being deeply sensible of the Calamities that threaten these Kingdoms, do think it our Duty, as Christians and good Subjects, to endeavour what in us lies, the Healing of our present Distractions, and preventing greater: And as with grief we apprehend the said Consequences that may arise from the Landing of an Army in this Kingdom from Foreign parts; So we cannot but deplore the Occasion given for it, by so many Invasions, made of late Years, on our Religion and Laws. And whereas we cannot think of any other Expedient to compose our Differences, and prevent Effusion of Blood, than that which procured a Settlement in these Kingdoms, after the late Civil Wars, the Meeting and Sitting of a Parliament, freely and duly Chosen, we think our selves obliged (as far as in us lies) to promote it; And the rather, because the Prince of Orange (as appears by his Declaration) is willing to submit his own Pretensions, and all other Matters, to their Determination: We heartily Wish, and humbly Pray, That His Majesty would Consent to this Expedient, in order to a future Settlement; And hope that such a Temperament may be thought of, as that the Army now on Foot, may not give any Interruption to the proceeding of a Parliament. But if to the great Misfortune and Ruin of these Kingdoms, it should prove otherwise, we further declare, That we will, to our utmost, defend the Protestant Religion, the Laws of the Kingdom, and the Rights and Liberties of the Subject.

*A Letter from a Gentleman at King's-Lynn, December 7. 1688.  
To his Friend in London.*

Sir,

THE Duke of Norfolk came to Town on Wednesday Night, with many of the chiefeft of the County; and yesterday in the Market-place received the Address following, which was presented by the Mayor, attended by the Body, and many hundreds of the Inhabitants.

*To his Grace the most Noble Henry Duke of Norfolk, Lord Marshal of England.*

My Lord,

THE daily Allarms we receive, as well from Foreign as Domestick Enemies, give us just Apprehensions of the approaching Danger which we conceive we are in; and to apply with all earnestness to your Grace as our great Patron, in all humble Confidence to succeed in our Expectations, That we may be put into such a posture by your Grace's Directions and Conduct, as may make us appear as zealous as any in the Defence of the Protestant Religion, the Laws and Ancient Government of this Kingdom. Being the desire of many hundreds, who must humbly challenge a Right of your Grace's Protection.

His

### His Grace's Answer.

Mr. Mayor,

**I** Am very much obliged to you, and the rest of your Body, and those here present, for your good Opinion of me; and the Confidence you have, that I will do what in me lies to support and defend the Laws, Liberties, and Protestant Religion, in which I will never deceive you.

And since the coming of the Prince of Orange hath given us an opportunity to declare for the defence of them; I can only assure you, that no Man will venture his Life and Fortune more freely for the Defence of the Laws, Liberties, and Protestant Religion, than I will do; and with all these Gentlemen here present, and many more, will unanimously concur therein; and you shall see that all possible Care shall be taken, that such a Defence shall be made as you require.

**A**fter which the Duke was, with his Retinue, received at the Mayor's House at Dinner, with great Acclamations; and his Proceedings therein have put our County into a Condition of Defence, of which you shall hear further in a little time, our Militia being ordered to be raised throughout the County.

Our Tradesmen, Seamen, and Mobile, have this morning generally put Orange Ribbon on their Hats, Echoing *Huzza's* to the Prince of Orange and Duke of Norfolk.

All are in a hot Ferment: God send us a good Issue of it.

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Lynn-Regis, Decemb. 10. 1688.

Sir,

**B**y mine of the 7th Instant, I gave you an Account of the Address of this Corporation to his Grace the Duke of Norfolk, and of his Grace's Answer thereto. Since which his Grace has sent for the Militia Troops, and put them in a posture of Defence, as appears by the ensuing Speech.

### The Duke of Norfolk's second Speech at Lynn.

**I** Hope you see I have endeavoured to put you in the posture you desired, by sending both for Horse and Foot of the Militia, and am very glad to see such an Appearance of this Town in so good a Condition. And I do again renew my former Assurances to you, that I will ever stand by you to Defend the Laws, Liberties, and the Protestant Religion, and to procure a Settlement in Church and State, in concurrence with the Lords and Gentlemen in the North, and pursuant to the Declaration of the Prince of Orange.

And so God save the King.

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*The Declaration of the Lords Spiritual and Temporal, in and about the Cities of London and Westminster, Assembled at Guild-hall, Dec. 1688.*

**W**E doubt not but the World believes that in this great and dangerous Conjunction, we are heartily and zealously concerned for the Protestant Religion, the Laws of the Land, and the Liberties and Properties of the Subject. And we did reasonably Hope, that the King having Issued His Proclamation and Writs for a Free Parliament, we might have rested Secure under the Expectation of that Meeting: But His Majesty having withdrawn Himself, and, as we apprehend, in order to His Departure out of this Kingdom, by the pernicious Counsels of Persons ill-affected to our Nation and Religion, we cannot, without being wanting to our Duty, be silent under those Calamities, wherein the Popish Counsels, which so long prevailed, have miserably

Y y y y



rably Involved these Realms. We do therefore Unanimously resolve to apply our Selves to His Highness the Prince of *Orange*, who with so great Kindness to these Kingdoms, so vast Expence, and so much Hazard to his own Person, hath Undertaken, by endeavouring to procure a Free Parliament to rescue Us, with as little Effusion as possible, of Christian Blood, from the Imminent Dangers of Popery and Slavery.

And we do hereby Declare, That we will, with our utmost Endeavours, assist his Highness in the obtaining such a Parliament with all speed, wherein our Laws, our Liberties and Properties may be Secured, the Church of *England* in particular; with a due Liberty to Protestant Dissenters, and in general the Protestant Religion and Interest over the whole World may be Supported and Encouraged, to the glory of God, the Happiness of the Established Government in these Kingdoms, and the Advantage of all Princes and States in Christendom that may be herein concerned.

In the mean time, we will endeavour to preserve, as much as in us lies, the Peace and Security of these great and populous Cities of *London* and *Westminster*, and the Parts adjacent, by taking care to Disarm all Papists, and secure all Jesuits and Romish Priests, who are in or about the same.

And if there be any thing more to be performed by us, for promoting his Highness's generous Intentions for the Publick good, we shall be ready to do it as occasion shall require.

<i>W. Cant.</i>	<i>Suffex.</i>	<i>P. Wharton.</i>
<i>Tho. Ebor.</i>	<i>Barkelay.</i>	<i>North and Grey.</i>
<i>Pembroke.</i>	<i>Rochester.</i>	<i>Chandos.</i>
<i>Dorset.</i>	<i>Newport.</i>	<i>Montague.</i>
<i>Mulgrave.</i>	<i>Weymouth.</i>	<i>T. Jermyn.</i>
<i>Thanet.</i>	<i>P. Winchester.</i>	<i>Vaughan Carbery.</i>
<i>Carlisle.</i>	<i>W. Asaph.</i>	<i>Culpeper.</i>
<i>Craven.</i>	<i>Fran. Ely.</i>	<i>Crewe.</i>
<i>Ailesbury.</i>	<i>Tho. Roffen.</i>	<i>Osulston.</i>
<i>Burlington.</i>	<i>Tho. Petriberg.</i>	

**W**Hereas His Majesty hath privately this Morning withdrawn Himself, we the Lords Spiritual and Temporal, whose Names are subscribed, being assembled at *Guild-hall* in *London*, having Agreed upon, and Signed a Declaration, Entituled, *The Declaration of the Lords Spiritual and Temporal, in and about the Cities of London and Westminster, Assembled at Guild-hall, 11. Decemb. 1688.* Do desire the Right Honourable the Earl of *Pembroke*, the Right Honourable the Lord Viscount *Weymouth*, the Right Reverend Father in God the Lord Bishop of *Ely*, and the Right Honourable the Lord *Culpeper*, forthwith to attend his Highness the Prince of *Orange* with the said Declaration; and at the same time acquaint his Highness with what we have further done at that Meeting. Dated at *Guild-hall* the 11th of December, 1688.

*A Paper delivered to his Highness the Prince of Orange, by the Commissioners sent by his Majesty to treat with him. And his Highness's Answer.*

**W**Hereas on the 8th of *December, 1688.* at *Hungerford*, a Paper signed by the Marquess of *Hallifax*, the Earl of *Nottingham*, and the Lord *Godolphin*, Commissioners sent unto us from His Majesty, was delivered to Us in these Word following, viz.

*Sir,*

**T**H E King commanded us to acquaint You, That he observeth all the Differences and Causes of Complaint alledged by Your Highness seem to be referred to a Free Parliament.

His Majesty, as He hath already declared, was resolved before this to call one; but thought that in the present State of Affairs it was advisable to defer it till things were more compos'd.

Yet seeing that His People still continue to desire it; He hath put forth His Proclamation in order to it, and hath issued forth His Writs for the calling of it.

And to prevent any Cause of Interruption in it, He will consent to every thing that can be reasonably required for the Security of all those that shall come to it. His

His Majesty hath therefore sent Us to attend Your Highness for the adjusting of all Matters that shall be agreed to be necessary to the Freedom of Elections, and the Security of Sitting, and is ready immediately to enter into a Treaty in Order to it.

His Majesty proposeth that in the mean time the respective Armies may be restrained within such Limits, and at such a Distance from *London*, as may prevent the Apprehensions that the Parliament may in any kind be disturbed, being desirous that the Meeting of it may be no longer delay'd than it must be by the usual and necessary Forms.

*Hungerford,*  
Dec. 8. 88.

Signed, *Hallifax, Nottingham, Godolphin.*

*We, with the Advice of the Lords and Gentlemen assembled with Us, have, in Answer to the same, made these following Proposals.*

I. **T**HAT all Papists, and such Persons as are not qualified by Law, be Disarmed, Disbanded, and Removed from all Employments, Civil and Military.

II. That all Proclamations which Reflect upon Us, or any that have come to Us, or declared for Us, be recalled; and that if any Persons for having so assisted, have been committed, that they be forthwith set at Liberty.

III. That for the Security and Safety of the City of *London*, the Custody and Government of the Tower be immediately put into the Hands of the said City.

IV. That if His Majesty shall think fit to be at *London*, during the Sitting of the Parliament, that We may be there also, with equal Number of our Guards. Or if his Majesty shall please to be in any place from *London*, at what-ever distance he thinks fit, that We may be at a place of the same distance. And that the respective Armies do remove from *London* Thirty Miles, and that no more Foreign Forces be brought into the Kingdom.

V. That for the Security of the City of *London* and their Trade, *Tilbury* Fort be put into the Hands of the said City.

VI. That to prevent the Landing of *French*, or other Foreign Troops, *Portsmouth* may be put into such Hands, as by Your Majesty and Us shall be agreed upon.

VII. That some sufficient part of the Publick Revenue be Assigned Us, for the Maintaining of our Forces, until the Meeting of a Free Parliament. Given at *Littlecote*, the Ninth of *December*, 1688.

W. H. Prince of Orange.

*The Speech of the Recorder of Bristol to his Highness the Prince of Orange, Monday, January the 7th 1688. The Mayor, Recorder, Aldermen, and Commons of the Principal Citizens of the City of Bristol, waited upon the Prince of Orange, being introduced by his Grace the Duke of Ormond, their High-Steward, and the Earl of Shrewsbury: Where the Recorder spake to this Effect.*

*May it please your Highness,*

**T**HE Restitution of our Religion, Laws and Liberties, and the Freeing us from that Thralldom which hath rendred us for many Years useles, and at last dangerous to the Common Interest of the Protestant World, by your Highness's singular Wisdom, Courage and Conduct, are not only a Stupendious Evidence of the Divine Favour and Providence for our Preservation; but will be, and ought to be an Everlasting Monument of your Highness's Magnanimity, and other the Heroick Vertues which Adorn your great Soul, by whom such a Revolution is wrought in this Nation, as is become the Joy and Comfort of the Present, and will be the Wonder of all Succeeding Ages.

In the Contrivance and Preparation of which great Work, your Highness (like the Heavens) did shed your propitious Influences upon us, whilst we slept, and had scarce any prospect from whence we might expect our Redemption.

But

But as since your happy Arrival in England, we did among the first, Associate our selves to assist and promote your Highness's most glorious Design, with our Lives and Fortunes; so we now think our selves bound in the highest Obligation of Gratitude, most humbly to present to your Highness our humble and hearty Thanks, for this our Deliverance from Popery and Arbitrary Power; and likewise, for declaring your gracious Intentions, That by the Advice of the Estates of this Kingdom, you will rectifie the late Disorders in the Government, both Ecclesiastical and Civil, according to the known Laws. The due and inviolable Observation of which, will in our poor Opinion, be the only proper Means to render the Sovereign Secure, and both Sovereign and Subject happy.

*To which his Highness returned a most Gracious Answer.*

*Guild-hall,  
London.*

*December the 11th. 1688.*

By the Commissioners of Lieutenancy for the said City.

*Ordered,*

THAT Sir Robert Clayton, Kt. Sir William Russel, Kt. Sir Basil Firebrass Kt. and Charles Duncomb, Esq; be a Committee from the said Lieutenancy to Attend his Royal Highness the Prince of Orange, and present to his Highness the Address agreed by the Lieutenancy for that purpose: And that they begin their Journey to Morrow Morning.

*By the Commissioners Command,*

*Geo. Evans, Cl. Lieu. London.*

*To His Highness the Prince of Orange.  
The Humble Address of the Lieutenancy of the City of London.*

*May it please Your Highness,*

WE can never sufficiently express the deep Sense we have conceived, and shall ever retain in our Hearts, That Your Highness has exposed Your Person to so many Dangers, both by Sea and Land, for the Preservation of the Protestant Religion, and the Laws and Liberties of this Kingdom; without which unparallel'd Undertaking we must probably have suffered all the Miseries that Popery and Slavery could have brought upon us.

We have been greatly concerned, that before this time we have not had any seasonable Opportunity to give Your Highness and the World a real Testimony, that it has been our firm Resolution to venture all that is Dear to Us to attain those glorious Ends which Your Highness has proposed for restoring and settling these Distracted Nations.

We therefore now unanimously present to Your Highness our just and due Acknowledgments for the happy Relief You have brought to us; and that we may not be wanting in this present Conjuncture, we have put our selves into such a Posture, that (by the Blessing of God) we may be capable to prevent all ill Designs, and to preserve this City in Peace and Safety till your Highness's happy Arrival.

We therefore humbly desire that your Highness will please to repair to this City with what convenient speed you can, for the perfecting the great Work which Your Highness has so happily begun, to the general Joy and Satisfaction of us all.

*December the 17th 1688.*

THE said Committee this day made Report to the Lieutenancy, that they had presented the said Address to the Prince of Orange, and that His Highness received them very kindly.

*December the 17th. 1688.*

By the Lieutenancy.

*Ordered,*

That the said Order and Address be forthwith Printed.

*Geo. Evans.*

*To*



*To his Highness the Prince of Orange : The Humble Address  
of the Lord Mayor, Aldermen and Commons of the City of  
London, in Common Council assembled.*

*May it please Your Highness,*

**W**E taking into Consideration your Highness's fervent Zeal for the *Protestant Religion*, manifested to the World, in your many and hazardous Enterprizes, which it hath pleased Almighty God to bless You with miraculous Success. We render our deepest Thanks to the Divine Majesty for the same ; And beg leave to present our most humble Thanks to your Highness, particularly for your appearing in Arms in this Kingdom, to carry on and perfect your glorious Design, to rescue *England, Scotland and Ireland* from Slavery and Popery, and in a Free Parliament to establish the Religion, the Laws, and the Liberties of these Kingdoms upon a sure and lasting Foundation.

We have hitherto look'd for some Remedy for these Oppressions and Imminent Dangers : We, together with our Protestant Fellow-Subjects, laboured under, from His Majesty's Concessions and Concurrences with Your Highness's Just and Pious purposes, expressed in Your gracious Declaration.

But herein finding Our Selves finally disappointed by his Majesty's withdrawing Himself, We presume to make Your Highness Our Refuge : And do in the Name of this Capital C I T Y, implore Your Highness's Protection ; and most humbly beseech Your Highness to vouchsafe to repair to this C I T Y, where Your Highness will be received with Universal Joy and Satisfaction.

*The Speech of Sir George Treby, Kt. Recorder of the Honourable  
City of London, to his Highness the Prince of Orange,  
Dec. 20. 1688.*

*May it please your Highness,*

**T**HE Lord Mayor being disabled by Sickness, your Highness is attended by the Aldermen and Commons of the Capital City of this Kingdom, deputed to Congratulate your Highness upon this great and glorious Occasion.

In which, labouring for Words, we cannot but come short in Expression.

Reviewing our late Danger, we remember our Church and State, over-run by Popery and Arbitrary Power, and brought to the Point of Destruction, by the Conduct of Men (that were our true Invaders) that brake the Sacred Fences of our *Laws*, and (which was worst) the very Constitution of our *Legislature*.

So that there was no Remedy left but the *Last*.

The only Person, under Heaven, that could apply this Remedy, was *Your Highness*.

You are of a *Nation*, whose Alliances in all Times, has been agreeable and prosperous to us.

You are of a Family most Illustrious, Benefactors to Mankind. To have the Title of *Sovereign Prince, Stadtholder*, and to have worn the *Imperial Crown*, are among their *lesser Dignities*. They have long enjoyed a Dignity singular and transcendent, viz. To be *Champions* of Almighty God, sent forth in several Ages, to vindicate his Cause against the greatest Oppressions.

To this *Divine Commission*, our Nobles, our Gentry, and among them our brave *English Soldiers*, rendred themselves and their Arms upon your appearing.

**G R E A T S I R,**

When we look back to the last Month, and contemplate the *Swiftness* and *Fullness* of our present Deliverance, astonish'd, we think it miraculous.

Your Highness, led by the Hand of Heaven, and called by the *Voice* of the People, has preserved our dearest Interests.

The *Protestant Religion*, which is *Primitive Christianity* restor'd.

Our *Laws*, which are our *ancient Title* to our Lives, Liberties and Estates, and without which this World were a *Wilderness*.

But what Retribution can We make to your Highness?

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Our Thoughts are full-charged with Gratitude.

Your Highness has a lasting Monument in the *Hearts*, in the *Prayers*, in the *Praises* of all good Men among us. And late *Posterity* will celebrate your ever-glorious *Name*, till Time shall be no more.

Chapman, Mayor.

*Cur' special' tent' die Jovis xx. die Decemb' 1688. Annoq; RR. Jacobi Secundi Angl' &c. quarto.*

THIS Court doth desire Mr. *Recorder* to print his Speech this day made to the Prince of *Orange* at the time of this Court's attending his Highness with the Deputies of the several Wards, and other Members of the Common Council.

Wagstaffe.

### His Highness the Prince of Orange's Speech to the Scots Lords and Gentlemen.

*With their Advice, and his Highness's Answer. With a true Account of what pass'd at their Meeting in the Council-Chamber at Whitehall, January 7th. 1688.*

His Highness the Prince of *Orange* having caused Advertise such of the *Scots* Lords and Gentlemen as were in *Town*, met them in a Room at *St. James's*, upon *Monday* the Seventh of *January*, at Three of the Clock in the Afternoon, and had this Speech to them.

My Lords and Gentlemen,

THE only Reason that induced me to undergo so great an Undertaking, was, That I saw the Laws and Liberties of these Kingdoms overturned, and the Protestant Religion in Imminent Danger: And seeing you are here so many Noblemen and Gentlemen, I have called you together, that I may have your Advice, what is to be done for Securing the Protestant Religion, and Restoring your Laws and Liberties, according to my Declaration.

As soon as his Highness had retired, the Lords and Gentlemen went to the Council-Chamber at *Whitehall*; and having chosen the Duke of *Hamilton* their President, they fell a consulting, what Advice was fit to be given to his Highness in this Conjunction: And after some hours Reasoning, they agreed upon the Materials of it, and appointed the Clerks, with such as were to assist them, to draw up in Writing, what the Meeting thought expedient, to advise his Highness, and to bring it in to the Meeting the next in the Afternoon.

*Tuesday*, the Eighth Instant, the Writing was presented in the Meeting: And some time being spent in Reasoning about the fittest way of Coveining a General Meeting of the Estates of *Scotland*. At last the Meeting came to agree in their Opinion, and appointed the Advice to be writ clean over, according to the Amendments. But as they were about to part for that Dyet, the Earl of *Arran* propos'd to them, as his Lordship's Advice, that they should move the Prince of *Orange*, to desire the King to return and call a *Free Parliament*, which would be the best way to secure the Protestant Religion and Property, and to heal all Breaches. This Proposal seem'd to dissatisfie the whole Meeting, and the Duke of *Hamilton* their President, Father to the Earl; but they presently parted.

*Wednesday*, the Ninth of *January*, they met at three of the Clock in the same Room, and Sir *Patrick Hume* took notice of the Proposal made by the Earl of *Arran*, and desired to know if there was any there that would second it: But none appearing to do it, he said, That what the Earl had propos'd, was evidently opposite and inimicous to his Highness the Prince of *Orange's* Undertaking, his Declaration, and the good Intentions of preserving the Protestant Religion, and of Restoring their Laws

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and Liberties exprest in it; and further, desired that the Meeting should declare this to be their Opinion of it. The Lord Cardross seconded Sir Patrick's Motion: It was answered by the Duke of Hamilton, President of the Meeting, That their Business was to prepare an Advice to be offered to the Prince; and the Advice being now ready to go to the Vote, there was no need that the Meeting should give their Sense of the Earl's Proposal, which neither before nor after Sir Patrick's Motion, any had pretended to own or second; so that it was fallen and out of doors; and that the Vote of the Meeting, upon the Advice brought in by their Order, would sufficiently declare their Opinion: This being seconded by the Earl of Sutherland, the Lord Cardross and Sir Patrick did acquiesce in it; and the Meeting Voted unanimously the Advice following.

*To His Highness the Prince of Orange.*

**W** E the Lords and Gentlemen of the Kingdom of Scotland, Assembled at your Highness's desire, in this Extraordinary Conjunction, do give your Highness our Humble and Heartly Thanks for your Pious and Generous Undertaking, for Preserving of the Protestant Religion, and Restoring the Laws and Liberties of these Kingdoms.

In order to the Attaining these Ends, our humble Advice and Desire is, That your Highness take upon You the Administration of all Affairs, both Civil and Military; the Disposal of the Publick Revenues and Fortresses of the Kingdom of Scotland, and the doing every Thing that is necessary for the Preservation of the Peace of the Kingdom, until a general Meeting of the States of the Nation, which we humbly desire your Highness to Call, to be holden at Edinburgh the Fourteenth day of March next, by your Letters or Proclamation, to be published at the Market-Cross of Edingburgh, and other Head-Boroughs of the several Shires and Stewartries, as sufficient Intimation to All concerned, and according to the Custom of the Kingdom: And that the Publication of these your Letters or Proclamation, be by the Sheriffs, or Stewart Clerks, for the Free-holders, who have the value of Lands, holden according to Law, for making Elections; and by the Town-Clerks of the several Burroughs, for the meeting of the whole Burgesses of the respective Royal Burroughs, to make their Elections at least Fifteen Days before the Meeting of the Estates at Edingburgh; and the Respective Clerks to make Intimation thereof, at least Ten Days before the Meetings for Elections: And that the whole Electors and Members of the said Meeting at Edingburgh, qualified as above Exprest, be Protestants; without any other Exception or Limitation whatsoever; to Deliberate and Resolve what is to be done for securing the Protestant Religion, and Restoring the Laws and Liberties of the Kingdom, according to your Highness's Declaration. Dated at the Council-Chamber in White hall, the Tenth Day of January, 1689.

This Address being Subscribed by Thirty Lords, and about Eighty Gentlemen, was presented in their presence at St. James's, by the Duke of Hamilton their President, to his Highness the Prince of Orange, who thanked them for the Trust they reposed in him, and desired time to consider upon so weighty an Affair.

Upon the Fourteenth of January, his Highness the Prince of Orange met again with the Scots Lords and Gentlemen at St. James's; And spoke to them as follows.

My Lords and Gentlemen,

**I** N pursuance of your Advice, I will, until the Meeting of the States in March next, give such Orders concerning the Affairs of Scotland, as are necessary for the Calling of the said Meeting, for the preserving of the peace; the applying of the publick Revenue to the most pressing Uses, and putting the Fortresses in the Hands of persons, in whom the Nation can have a just Confidence: And I do farther assure you, That you will always find me ready to concur with you in every Thing that may be found necessary for Securing the Protestant Religion, and Restoring the Laws and Liberties of the Nation.

The Earl of Crawford desired of his Highness, That himself, the Earl of Louthian, and others, come to Town since the Address was presented, might have an opportunity to Subscribe it; which was accordingly done: His Highness Retired, and all shewed great Satisfaction with his Answer.



*The Emperor of Germany's Account of K. James's Misgovernment in joyning with the King of France, (the Common Enemy of Christendom) in his Letter to King James, viz.*

LEOPOLD, &c.

WE have received your Majesties Letters, dated from *St. Germans* the sixth of February last, by the Earl of *Carlingford*, your Envoy in our Court: By them we have understood the Condition your Majesty is reduced to; and that you being deserted after the Landing of the Prince of *Orange*, by your Army, and even by your Domestick Servants, and by those you most confided in, and almost by all your Subjects, you have been forced by a sudden Flight to provide for your own Safety, and to seek Shelter and Protection in *France*: Lastly, that you desire Assistance from us for the recovering your Kingdoms. We do assure your Majesty, that as soon as we heard of this severe turn of Affairs, we were moved at it, not only with the common sense of Humanity, but with much deeper Impressions suitable to the sincere Affection which we have always born to you. And we were heartily sorry that at last that was come to pass, which (tho we hoped for better things) yet our own sad thoughts had suggested to us would ensue. If your Majesty had rather given Credit to the Friendly Remonstrances that were made you, by our late Envoy, the Count de *Kaunitz*, in our Name, than the deceitful Insinuations of the *French*, whose chief aim was, by fomenting continual Divisions between you and your People, to gain thereby an Opportunity to insult the more securely over the rest of Christendom: And if your Majesty had put a stop, by your Force and Authority, to their many Infractions of the Peace, of which by the Treaty at *Nimegen* you are made the Guarantee, and to that end, entred into Consultations with us, and such others as have the like just Sentiments in this matter; We are verily persuaded that by this means you should have in a great measure quieted the Minds of your People, which were so much exasperated through their aversion to our Religion, and the publick Peace had been preserved as well in your Kingdoms as here in the *Roman Empire*. But now we refer it even to your Majesty, to judg what condition we can be in to afford you any Assistance, we being not only Engaged in a War with the *Turks*, but finding our selves, at the same time unjustly and barbarously Attacked by the *French*, contrary to, and against the Faith of Treaties, they then reckoning themselves secure of *England*. And this ought not to be concealed; that the greatest Injuries which have been done to our Religion have flowed from no other than the *French* themselves; who not only esteem it lawful for them, to make perfidious Leagues with the sworn Enemies of the Holy Cross, tending to the destruction both of us and of the whole Christian World, in order to the checking our Endeavours which were undertaken for the glory of God, and to stop those Successes which it hath pleased Almighty God to give us hitherto; but further have heaped one Treachery upon another, even within the Empire it self. The Cities of the Empire which were Surrendred upon Articles, signed by the *Dauphin* himself, have been exhausted by excessive Impositions; and after their being exhausted, have been Plundered, and after Plundering have been Burned and Razed. The Palaces of Princes, which in all times, and even in the most destructive Wars, have been preserved, are now burnt down to the ground. The Churches are Robbed, and such as submitted themselves to them are in a most Barbarous manner, carried away as Slaves. In short, It is become a Diversion to them to commit all manner of Insolences and Cruelties in many places, but chiefly in Catholick Countries, exceeding the Cruelties of the *Turks* themselves; which having imposed an absolute necessity upon us to secure our selves and the holy *Roman Empire* by the best means we can think on, and that no less against them than against the *Turks*; we promise our selves from your Justice ready assent to this, That it ought not to be imputed to us, if we endeavour to procure, by a just War, that security to our selves which we could not hitherto obtain by so many Treaties; and that in order to the obtaining thereof, we take measures for our mutual Defence of Preservation, with all those who are equally concerned in the same Design with us. It remains that we beg of God that he would Direct all things to his glory, and that he would grant your Majesty true and solid Comforts under this your great Calamity; we embrace you with tender Affections of a Brother.

*At Vienna the 9th of April, 1689.*

*The*

*The Declaration of the Lords Spiritual and Temporal, and Commons Assembled at Westminster; concerning the Misgovernment of King James, and filling up the Throne. Presented to King William and Queen Mary, by the right Honourable the Marquess of Hallifax, Speaker to the House of Lords. With His Majesties most gracious Answer thereunto.*

Whereas the late King *James* the Second, by the Assistance of divers Evil Counsellors, Judges, and Ministers Employ'd by Him, did endeavour to Subvert and Extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom;  
By Assuming and Exercising a Power of Dispensing with, and Suspending of Laws, and the Execution of Laws, without consent of Parliament.

By Committing and Prosecuting divers Worthy Prelates, for humbly Petitioning to be Excused from concurring to the said assumed Power.

By issuing, and causing to be executed, a Commission under the great Seal, for erecting a Court called, *The Court of Commissioners for Ecclesiastical Causes*.

By Levying Money for and to the Use of the Crown, by pretence of Prerogative, for other time, and in other manner, than the same was granted by Parliament.

By raising and keeping a standing Army within this Kingdom in the time of Peace, without consent of Parliament; and Quartering Soldiers contrary to Law.

By causing several good Subjects, being Protestants, to be Disarmed at the same time, when Papists were both Armed and Employed contrary to Law.

By violating the Freedom of Election of Members to serve in Parliament.

By Prosecutions in the Court of *King's-Bench* for Matters and Causes cognizable only in Parliament; and by divers other Arbitrary and Illegal Courses.

And whereas of late Years, Partial, Corrupt, and Unqualified Persons, have been returned and served on Juries in Tryals, and particularly divers Jurors in Tryals for High-Treason, which were not Free-holders.

And Excessive Bail hath been required of Persons committed in Criminal Cases, to elude the Benefit of the Laws made for the Liberty of the Subjects.

And Excessive Fines have been Imposed.

And Illegal and Cruel Punishments inflicted.

And several Grants and Promises made of Fines and Forfeitures before any Convictions or Judgment against the Persons upon whom the same were to be Levied.

All which are utterly and directly contrary to the known Laws and Statutes, and Freedom of this Realm.

And whereas the said late *K. James* the Second having abdicated the Government, and the Throne being thereby vacant,

His Highness the Prince of *Orange* (whom it hath pleased Almighty God to make the glorious Instrument of Delivering this Kingdom from Popery and Arbitrary Power) did (by the Advice of the Lords Spiritual and Temporal, and divers principal Persons of the Commons) cause Letters to be written to the Lords Spiritual and Temporal, being Protestants, and other Letters to the several Counties, Cities, Universities, Burroughs, and Cinque-Ports, for the Chusing of such Persons to represent them, as were of Right to be sent to Parliament, to Meet and Sit at *Westminster* upon the 22d Day of *January* in this Year 1688, in order to such an Establishment, as that their Religion, Laws and Liberties, might not again be in danger of being Subverted: Upon which Letters Elections having been accordingly made;

And thereupon the said Lord's Spiritual and Temporal, and Commons, pursuant to their respective Letters and Elections, being now Assembled in a Full and Free Representative of this Nation, taking into their most serious Consideration the best Means for attaining the Ends aforesaid, do in the first place (as their Ancestors in like Case have usually done) for the Vindicating and Asserting their Ancient Rights and Liberties, Declare,

That the pretended Power of Suspending of Laws, or the Execution of Laws, by Regal Authority, without Consent of Parliament, is Illegal.

That the pretended Power of Dispensing with Laws, or the Execution of Laws, by Regal Authority, as it hath been assumed and exercised of late, is Illegal.

That the Commission for erecting the late *Court of Commissioners for Ecclesiastical Causes*, and all other Commissions and Courts of the like Nature, are Illegal and Pernicious.

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That

That levying of Mony for or to the Use of the Crown, by pretence of Prerogative, without grant of Parliament for longer time, or in other manner, than the same is or shall be granted, is Illegal.

That it is the Right of the Subjects to Petition the King, and all Commitments and Prosecutions for such Petitioning, are Illegal.

That the Raising or Keeping a standing Army within the Kingdom in time of Peace, unless it be with Consent of Parliament, is against Law.

That the Subjects which are Protestants may have Arms for their Defence suitable to their Condition, and as allowed by Law.

That Election of Members of Parliament ought to be Free.

That the Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned in any Court or place out of Parliament.

That excessive Bail ought not to be required, nor excessive Fines imposed, nor cruel and unusual Punishments inflicted.

That Jurors ought to be duly empannell'd and return'd, and Jurors which pass upon Men in Tryals for High-Treason ought to be Freeholders.

That all grants and promises of Fines and Forfeitures of particular Persons before Conviction, are Illegal and Void.

And that for Redress of all Grievances, and for the amending, strengthening and preserving of the Laws, Parliaments ought to be held frequently.

And they do claim, demand, and insist upon all and singular the Premises, as their undoubted Rights and Liberties; and that no Declarations Judgments, Doings, or Proceedings, to the prejudice of the People in any of the said Premises, ought in any wise to be drawn hereafter into Consequence or Example.

To which Demand of their Rights they are particularly encouraged by the Declaration of His Highness the Prince of *Orange*, as being the only Means for obtaining a full redress and remedy therein.

Having therefore an intire Confidence, that his said Highness the Prince of *Orange* will perfect the Deliverance so far advanced by Him, and will still preserve them from the Violation of their Rights, which they have here asserted, and from all other Attempts upon their Religion, Rights, and Liberties;

The said Lords Spiritual and Temporal, and Commons Assembled at *Westminster*, do resolve,

That *William* and *Mary*, Prince and Princess of *Orange*, be, and be declared, King and Queen of *England*, *France*, and *Ireland*, and the Dominions thereunto belonging, to hold the Crown and Royal Dignity of the said Kingdoms and Dominions, to them the said Prince and Princess, during their Lives, and the Life of the Survivor of them; And that the sole and full Exercise of the Regal Power be only in, and executed by the said Prince of *Orange*, in the Names of the said Prince and Princess during their joynt lives; and after their Deceases, the said Crown and Royal Dignity of the said Kingdoms and Dominions to be to the Heirs of the Body of the said Princess; and for default of such Issue, to the Princess *Ann* of *Denmark*, and the Heirs of Her Body; and for default of such Issue, to the Heirs of the Body of the said Prince of *Orange*.

And the said Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess of *Orange* to accept the same accordingly.

And that the Oaths hereafter mentioned be taken by all Persons, of whom the Oaths of Allegiance and Supremacy might be required by Law, instead of them; and that the said Oaths of Allegiance and Supremacy be Abrogated.

**I** A. B. do sincerely promise and swear, That I will be Faithful, and bear true Allegiance to their Majesties King *WILLIAM* and Queen *MARY*.

So help me God.

**I** A. B. do swear, That I do from my Heart Abhor, Detest, and Abjure, as Impious and Heretical, this Damnable Doctrine and Position, That Princes Excommunicated or Deposed by the Pope, or any Authority of the See of *Rome*, may be Deposed or Murdered by their Subjects, or any other whatsoever. And I do declare, That no Foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any Jurisdiction, Power, Superiority, Preeminence, or Authority Ecclesiastical or Spiritual, within this Realm.

So help me God.

Jo. Browne, Cleric' Parl.

Die



*Die Veneris 15 Feb. 1688.*

His Majesties Gracious Answer, to the Declaration of  
both Houses.

My Lords and Gentlemen,

**T**HIS is certainly the greatest proof of the Trust you have in Us, that can be given, which is the thing that maketh us value it the more; and we thankfully Accept what you have Offered. And as I had no other Intention in coming hither, than to preserve your Religion, Laws and Liberties; so you may be sure, That I shall endeavour to support them, and shall be willing to concur in any thing that shall be for the Good of the Kingdom, and to do all that is in my Power to advance the Welfare and Glory of the Nation.

*Die Veneris 15 Februarii 1688.*

**O**rdred by the Lords Spiritual and Temporal, Assembled at *Westminster*, That His Majesties Gracious Answer to the Declaration of both Houses, and the Declaration, be forthwith Printed and Published; And that His Majesties Gracious Answer this Day be added to the Engrossed Declaration in Parchment, to be Enrolled in Parliament and Chancery.

*Jo. Browne, Cleric*

Parliamentorum.

## A PROCLAMATION.

**W**hereas it hath pleased Almighty God, in his Great Mercy to this Kingdom, to vouchsafe us a Miraculous Deliverance from Popery and Arbitrary Power; and that our Preservation is due, next under God, to the Resolution and Conduct of his Highness the Prince of ORANGE, whom God hath Chosen to be the Glorious Instrument of such an Inestimable Happiness to us and our Posterity: And being highly sensible, and fully persuaded, of the Great and Eminent Vertues of her Highness the Princess of ORANGE, whose Zeal for the Protestant Religion, will, no doubt, bring a Blessing along with her upon this Nation. And whereas the Lords and Commons, now Assembled at Westminster, have made a Declaration, and Presented the same to the said Prince and Princess of ORANGE, and therein desired them to Accept the Crown; who have Accepted the same Accordingly. We therefore, the Lords Spiritual and Temporal, and Commons, together with the Lord Mayor and Citizens of London, and others of the Commons of this Realm, do with a full Consent Publish and Proclaim, according to the said Declaration, WILLIAM and MARY, Prince and Princess of ORANGE, to be KING and QUEEN of England, France and Ireland, with all the Dominions and Territories thereunto belonging: Who are accordingly so to be Owed, Deemed, Accepted and taken by all the People of the aforesaid Realms and Dominions, who are from henceforward bound to Acknowledge and Pay unto them all Faith and true Allegiance; Beseeching God, by whom Kings Reign, to Bless King WILLIAM and Queen MARY with Long and Happy Years to Reign over Us.

God Save King *WILLIAM* and Queen *MARY*.

*Jo. Brown, Cleric*

Parliamentorum.

*The*

*The Declaration of the Estates of Scotland concerning the Misgovernment of King James the Seventh, and filling up the Throne with King William and Queen Mary.*

THAT King James the 7th had acted irregularly.

1. By His Erecting publick Schools and Societies of the Jesuits; and not only allowing Mass to be publickly said, but also inverting Protestant Chapels and Churches, to Publick Mass-houses, contrary to the expresse Laws against saying and hearing of Mass.

2. By allowing Popish Books to be Printed and Dispersed, by a Gift to a Popish Printer, designing him Printer to his Majesties Household, College and Chapel, contrary to the Laws.

3. By taking the Children of Protestant Noblemen and Gentlemen, sending them abroad to be bred Papists, making great Funds and Donations to Popish Schools and Colleges abroad; bestowing Pensions on Priests, and perverting Protestants from their Religion, by Offers of Places, Preferments and Pensions.

4. By disarming Protestants, while at the same time he employed Papists in the Places of greatest Trust, Civil and Military, such as Chancellor, Secretaries, Privy Councillors, and Lords of Session, thrusting out Protestants, to make room for Papists, and intrusting the Forts and Magazines of the Kingdom in their hands.

5. By Imposing Oaths contrary to Law.

6. By giving Gifts and Grants for exacting of Mony without Consent of Parliament, or Convention of Estates.

7. By Levying and keeping on foot a standing Army in time of Peace, without consent of Parliament; which Army did exact Locality, free and day Quarters.

8. By Employing the Officers of the Army, as Judges through the Kingdom, and imposing them where there were held Offices and Jurisdictions, by whom many of the Leiges were put to Death summarily without legal Tryal, Jury or Record.

9. By imposing exorbitant Fines to the Value of the Parties Estates, exacting extravagant Bail, and disposing Fines and Forfeiture before any Process or Conviction.

10. By Imprisoning Persons without expressing the Reason, and delaying to put them to Tryal.

11. By causing pursue and forfault several Persons upon stretches of old and obsolete Laws, upon frivolous and weak pretences, upon lame and defective Probations; as particularly the late Earl of *Argyle*, to the scandal and reproach of the Justice of the Nation.

12. By Subverting the Right of the Royal Boroughs, the Third Estate of Parliament, imposing upon them not only Magistrates, but also the whole Town Council and Clerks, contrary to the Liberties and expresse Charters, without the pretence either of Sentence, Surrender or Consent: So that the Commissioners to Parliaments being chosen by the Magistrates and Councils, the King might in effect as well nominate that entire Estate of Parliament; many of the said Magistrates put in by him were avowed Papists; and the Burghs were forced to pay Mony for the Letters, imposing these illegal Magistrates and Council upon them.

13. By sending Letters to the chief Courts of Justice, not only ordering the Judges to stop and desist *sine die*, to determine Causes, but also ordering and commanding them how to proceed in Cases depending before them, contrary to the expresse Laws: And by changing the Nature of the Judges Gifts, *ad vitam aut culpam*, and giving them Commissions *ad bene placitum*, to dispose them to compliance by Arbitrary Courses, turning them out of their Offices when they did not comply.

14. By granting Personal Protections for Civil Debts, contrary to Law.

All which are utterly and directly contrary to the known Laws, Freedoms and Statutes of this Realm.

Therefore the Estates of the Kingdom of Scotland, find, and declare, That King James the Seventh, being a profest Papist, did assume the Regal Power, and acted as a King, without ever taking the Oath required by Law; and have by advice of Evil and Wicked Counsellors invaded the Fundamental Constitution of the Kingdom, and altered it from a Legal, limited Monarchy, to an Arbitrary and Despotick Power; and hath exercised the same to the subversion of the Protestant Religion, and the violation of the Laws and Liberties of the Kingdom: Inverting all the Ends of Government, whereby he hath forfaulted the Right to the Crown, and the Throne is become vacant.

And

And whereas his Royal Highness, *William*, then Prince of *Orange*, now King of *England*, whom it hath pleased the Almighty God to make the glorious Instrument of delivering these Kingdoms from Popery and Arbitrary Power, did, by advice of several Lords and Gentlemen of this Nation, at *London*, for the time, call the Estates of this Kingdom to meet the Fourteenth of *March* last, in order to such an Establishment, as that their Religion, Laws and Liberties might not be again in danger of being subverted. And the said Estates being now assembled, in a full and free Representative of this Nation, taking to their most serious consideration, the best means for attaining the Ends aforesaid, Do in the first place, as their Ancestors in the like cases have usually done, for the vindicating and asserting their Ancient Rights and Liberties, declare,

That by the Law of this Kingdom no Papist can be King or Queen of the Realm, nor bear any Office whatsoever therein; nor can any Protestant Successor, exercise the Regal Power, until he or she swear the Coronation Oath.

That all Proclamations asserting an Absolute Power, to cass, annul and disable Laws; the erecting Schools and Colleges for Jesuits; the inverting Protestant Chapels and Churches to publick Mass-houses, and the allowing Mass to be said, are contrary to Law.

That the allowing Popish Books to be printed and dispersed, is contrary to Law.

That the taking the Children of Noblemen, Gentlemen and others, sending and keeping them abroad to be bred Papists: The making Funds and Donations to Popish Schools and Colleges; the bestowing Pensions on Priests, and the perverting Protestants from their Religion by offers of Places, Preferments and Pensions, are contrary to Law.

That the disarming of Protestants, and employing Papists in the Places of greatest Trust, both Civil and Military; the thrusting out Protestants to make room for Papists, and the entrusting Papists with the Forts and Magazines of the Kingdom, are contrary to Law.

That the imposing Oaths, without Authority of Parliament, is contrary to Law.

That the giving Gifts or Grants for raising of Money without the Consent of Parliament, or Convention of Estates, is contrary to Law.

That the employing Officers of the Army as Judges through the Kingdom, or imposing them where there were several Offices and Jurisdictions, and the putting the Lieges to death summarily, and without legal Tryal, Jury or Record, are contrary to Law.

That the imposing extraordinary Fines, the exacting of exorbitant Bail, and the disposing of Fines and Forfeitures before Sentence, are contrary to Law.

That the Imprisoning Persons, without expressing the reason thereof, and delaying to put them to Tryal, are contrary to Law.

That the causing pursue and forfault Persons upon Stretches of old and obsolete Laws, upon frivolous and weak Pretences, upon lame and defective Probation, as particularly the late Earl of *Argyle*, are contrary to Law.

That the nominating and imposing Magistrates, Councils and Clerks upon Burghs, contrary to the Liberties and express Charters, is contrary to Law.

That the sending Letters to the Courts of Justice, ordaining the Judges to stop or desist from determining Causes, or ordaining them how to proceed in Causes depending before them; and the changing the Nature of the Judges Gifts *ad vitam aut culpam*, unto *Commissions Durante bene placito*, are contrary to Law.

That the granting Personal Protections for Civil Debts, is contrary to Law.

That the forcing the Lieges to depone against themselves in Capital Crimes, however the Punishment be restricted, is contrary to Law.

That the using Torture without Evidence, or in ordinary Crimes, is contrary to Law.

That the sending of an Army in a Hostile manner upon any part of the Kingdom, in a peaceable time, and exacting of Locality, and any manner of free Quarter, is contrary to Law.

That the charging the Lieges with Law-burroughs at the King's instance, and the imposing of Bands without the Authority of Parliament, and the suspending the Advocates from their Employments for not compearing when such Bands were offered, were contrary to Law.

That the putting of Gards, or private Mens Houses in a time of peace, without the consent of the Authority of Parliament, is contrary to Law.

That the opinion of the Lords of Session in the two Causes following, were contrary to Law (*viz.*) 1. That the concerting the demand of a Supply for a Forfaulted Person, although not given, is Treason. (2.) That Persons refusing to discover what are their private thoughts and judgments in relation to points of Treason, or other Mens actions, are guilty of Treason.

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That



That the fining Husbands for their Wives withdrawing from the Church, was contrary to Law.

That Prelacy, and Superiority of any Office in the Church above Presbyters, is and hath been a great and unsupportable Grievance and Trouble to this Nation, and contrary to the Inclinations of the Generality of the People ever since the Reformation, they having Reformed from Popery by Presbyters, and therefore ought to be abolished.

That it is the Right and Privilege of the Subjects to protest for remand of Law to the King and Parliament, against Sentences pronounced by the Lords of Session, providing the same do not stop execution of the said Sentences.

That it is the Right of the Subjects to Petition the King, and that all Imprisonments and Prosecutions for such Petitions are contrary to Law.

That for redress of all Grievances, and for the amending, strengthening and preserving of the Laws, Parliaments ought to be frequently called and allowed to sit, and the freedom of Speech and Debate secured to the Members.

And they do claim and demand and insist upon all and sundry the Premises, as their undoubted Right and Liberties, and that no Declarations, Doings or Proceedings to the prejudice of the People in any of the said Premises, ought in any ways to be drawn hereafter in consequence and example, but that all Forfaultures, Fines, loss of Offices, Imprisonments, Banishments, Pursuits, Persecutions and Rigorous Executions be considered, and the Parties seized, be redressed.

To which demand of the Rights, and Redressing of their Grievances, they are particularly encouraged by his Majesty the King of *England* his Declaration for the Kingdom of *Scotland* of the                      day of *October* last, as being the only means for obtaining a full Redress and remedy therein.

Having therefore an entire Confidence, That his said Majesty the King of *England*, will perfyte the Deliverance so far advanced by him, and will still preserve them from the Violation of the Rights which they have here asserted; and from all other Attempts upon their Religion, Laws and Liberties,

The said Estates of the Kingdom of *Scotland*, do resolve, That *William* and *Mary*, King and Queen of *England*, *France* and *Ireland*, be and be Declared King and Queen of *Scotland*; to hold the Crown and Royal Dignity of the said Kingdom of *Scotland*, to them the said King and Queen during their Lives, and the longest Liver of them; and that the sole and full exercise of the Royal Power, be only in, and exercised by him the said King, in the Names of the said King and Queen, during their joyned lives: And after their deceases, the said Crown and Royal Dignity of the said Kingdom to be to the Heirs of the Body of the said Queen. Which failing, to the Princess *Ann* of *Denmark*, and the Heirs of her Body: Which also failing, to the Heirs of the Body of the said *William* King of *England*.

And they do pray the said King and Queen of *England* to accept the same accordingly.

And that the Oath hereafter mentioned be taken by all Protestants of whom the Oath of Allegiance, and any other Oaths and Declarations might be required by Law instead thereof. And that the said Oath of Allegiance, and other Oaths and Declarations, may be Abrogated.

**I** A. B. Do sincerely Promise and Swear, That I will be Faithful and bear True Allegiance to Their Majesties King *William* and Queen *Mary*.

So help me God.

### A Proclamation declaring *William* and *Mary* King and Queen of *England*, to be King and Queen of *Scotland*. Edinburgh, April 11. 1689.

**W**hereas, the Estates of this Kingdom of *Scotland*, by their Act of the Date of these Presents, have Resolved, That *WILLIAM* and *MARY*, King and Queen of *England*, *France* and *Ireland*, be, and be declared King and Queen of *Scotland*, to hold the Crown and Royal Dignity of the said Kingdom of *Scotland*, to them the said King and Queen, during their Lives, and the longest Liver of Them; and that the Sole and Full Exercise of the Regal Power, be only in, and Exercised by the said King, in the Names of the said King and Queen, during their joyned Lives. As also, the Estates having Resolved and Enacted an Instrument of Government, of Claim of Right

Right, to be presented with the Offer of the Crown, to the said King and Queen. They do Statute and Ordain, that William and Mary, King and Queen of England, France and Ireland, be accordingly forthwith Proclaimed King and Queen of Scotland, at the Mercat Cross of Edinburgh, by the Lyon King at Arms, or his Deputis, his Brethren, Vercaulds, Hacers and Pursuivants, and at the Head-Burghs of all the Shires, Stewartries, Bailliarries, and Regalities within the Kingdom, by Messengers at Arms. Extracted forth of the Meeting of the Estates, by me,

Ja. Dalrymple, Clk.

God save King W I L L I A M and Queen M A R Y.

*The Manner of the King and Queen taking the Scottish Coronation Oath.*

May 11. 1689.

**T**His day being appointed for the publick Reception of the Commissioners, viz. The Earl of Argyle, Sir James Montgomery of Skelmerly, and Sir John Dalrymple of Stair younger, who were sent by the Meeting of the Estates of Scotland, with an Offer of the Crown of that Kingdom to Their Majesties, they accordingly, at three of the Clock, met at the Council Chamber, and from thence were Conducted by Sir Charles Cotterel, Master of the Ceremonies, attended by most of the Nobility and Gentry of that Kingdom, who reside in and about this place, to the Banqueting-House; where the King and Queen came attended by many Persons of Quality, the Sword being carried before them by the Lord Cardross, (and Their Majesties being placed on the Throne under a Rich Canopy) they first presented a Letter from the Estates to his Majesty; then the Instrument of Government; Thirdly, a Paper containing the Grievances, which they desired might be Redressed; and Lastly, an Address to His Majesty for turning the Meeting of the said Estates into a Parliament: All which being Signed by his Grace the Duke of Hamilton, as President of the Meeting, and read to their Majesties, the King returned to the Commissioners the following Answer.

**W**hen I engaged in this Undertaking, I had particular Regard and Consideration for Scotland, and therefore I did emit a Declaration in relation to That as well as to this Kingdom, which I intend to make good and effectual to them. I take it very kindly that Scotland hath expressed so much Confidence in, and Affection to Me; They shall find Me willing to assist them in every thing that concerns the Weal and Interest of that Kingdom, by making what Laws shall be necessary for the Security of their Religion, Property, and Liberty, and to ease them of what may be justly grievous to them.

After which, the Coronation-Oath was tendred to Their Majesties, which the Earl of Argyle spoke word by word directly, and the King and Queen repeated it after him, holding Their Right Hands up after the manner of taking Oaths in Scotland.

The Meeting of the Estates of Scotland did Authorize their Commissioners to represent to His Majesty, That that Clause in the Oath in relation to the rooting out of Hereticks did not import the destroying of Hereticks; And that by the Law of Scotland no Man was to be persecuted for his private Opinion; And even Obstinate and Convicted Hereticks were only to be denounced Rebels or Outlawed, whereby their Moveable Estates are Confiscated. His Majesty at the repeating that Clause in the Oath, Did declare, that He did not mean by these words, That He was under any Obligation to become a Persecutor. To which the Commissioners made Answer, That neither the meaning of the Oath, or the Law of Scotland did import it. Then the King replied, That He took the Oath in that Sense, and called for Witnesses the Commissioners and others present; And then both Their Majesties Signed the said Coronation-Oath.

After which the Commissioners and several of the Scottish Nobility kissed Their Majesties Hands.

*The Coronation Oath of Scotland.**The Coronation OATH of England.**The Arch-bishop or Bishop shall say,*

**W**ill You solemnly Promise and Swear to govern the People of this Kingdom of England, and the Dominions thereto belonging, according to the Statutes in Parliament agreed on, and the Laws and Customs of the same?

*The King and Queen shall say,*

I solemnly Promise so to do.

*Arch-bishop or Bishop.*

Will You to Your Power, cause Law and Justice in Mercy to be Executed in all Your Judgments?

*King and Queen.*

I Will.

*Arch-bishop or Bishop.*

Will You to the utmost of Your Power Maintain the Laws of God, the true Profession of the Gospel, and the *Protestant* Reformed Religion Established by Law? And will You Preserve, unto the Bishops and Clergy of this Realm, and to the Churches committed to their Charge, all such Rights and Priviledges as by Law do or shall appertain unto them, or any of them?

*King and Queen.*

All this I Promise to do.

[After this, the King and Queen laying His and Her Hand upon the Holy Gospels, shall say,]

*King and Queen.*

The Things which I have here before Promised, I will Perform and Keep. *So help me God.*

[Then the King and Queen shall kiss the Book.]

*The Coronation OATH of Scotland.*

**W**e William and Mary, King and Queen of Scotland, faithfully Promise and Swear, by this Our solemn Oath in presence of the Eternal God, that during the whole course of Our Life, we will serve the same Eternal God, to the uttermost of Our Power, according as he has required in his most holy Word, reveal'd and contain'd in the New and Old Testament, and according to the same Word shall maintain the True Religion of Christ Jesus, the Preaching of his holy Word, and the due and right Ministration of the Sacraments, now Received and Preached within the Realm of Scotland; and shall abolish and gainstand all false Religion contrary to the same, and shall Rule the People committed to our Charge, according to the Will and Command of God, revealed in his aforesaid Word, and according to the laudable Laws and Constitutions received in this Realm, no ways repugnant to the said Word of the Eternal God, and shall procure, to the utmost of Our Power, to the Kirk of God, and whole Christian People, true and perfect Peace in all time coming. That we shall preserve and keep inviolated the Rights and Rents, with all just Privileges of the Crown of Scotland, neither shall we transfer nor alienate the same; That we shall forbid and repress in all Estates and Degrees, Reif, Oppression, and all kind of wrong. And we shall Command and Procure that Justice and Equity in all Judgments be kepted to all persons without exception, as the Lord and Father of all Mercies shall be merciful to us. And we shall be careful to root out all Hereticks and Enemies to the true Worship of God, that shall be Convicted by the true Kirk of God of the aforesaid Crimes, out of Our Lands and Empire of Scotland. And we faithfully affirm the things above written by Our solemn Oath.

God save King WILLIAM and Queen MARY.

*The*



*Proposals humbly offered to the Lords and Commons in the present Convention, for settling of the Government, &c.*

My Lords and Gentlemen;

**Y**OU are Assembled upon Matters of the highest Importance to England and all Christendom; and the result of your Thoughts, in this Convention, will make a numerous Posterity Happy or Miserable. If therefore I have met with any Thing that I think worthy of your Consideration, I should think my self wanting in that duty which I owe to my Country and Mankind, if I should not lay it before You. If there be (as some say) certain Lineaments in the Face of Truth, with which one cannot be deceiv'd, because they are not to be counterfeited; I hope, the Considerations which I presume to offer You, will meet with your Approbation: That, bringing back our Constitution to its first and purest Original, refining it from some gross Abuses, and supplying its Defects, You may be the Joy of the present Age, and the Glory of Posterity.

**F**irst, 'Tis necessary to distinguish between Power it self, the Designation of the Persons Governing, and the Form of Government. For,

1. All Power is from God as the Fountain and Original.
2. The Designation of the Persons, and the Form of Government, is either, First, immediately from God, as in the Case of *Saul* and *David*, and the Government of the *Jews*; or, Secondly, from the Community, chusing some Form of Government, and subjecting themselves to it. But it must be noted, that though *Saul* and *David* had a Divine Designation, yet the People assembled; and in a General Assembly, by their Votes, freely chose them: Which proves, that there can be no orderly or lasting Government, without Consent of the People Tacit or Express'd; and God himself would not put Men under a Government without their Consent. And in case of a Conquest, the People may be called *Prisoners* or *Slaves* (which is a state contrary to the Nature of Man) but they cannot be properly *Subjects*, till their Wills be brought to submit to the Government: So that Conquest may make Way for a Government, but it cannot constitute it.

Secondly, There is a *Supreme Power* in every Community, essential to it, and inseparable from it; by which, if it be not limited immediately by God, it can form it self into any kind of Government. And in some extraordinary Occasions, when the Safety and Peace of the Publick necessarily require it, can supply the Defects, reform the Abuses, and re-establish the true Fundamentals of the Government; by Purging, Refining, and bringing Things back to their first Original: Which Power may be called *The Supreme Power Real*.

Thirdly, When the Community has made choice of some Form of Government, and subjected themselves to it, having invested some Person or Persons with the *Supreme Power*: The Power in those Persons may be called, *The Supreme Power Personal*.

Fourthly, If this Form be a mix'd Government of *Monarchy*, *Aristocracy* and *Democracy*; and for the easie Execution of the Laws, the *Executive Power* be lodg'd in a single Person, He has, a *Supream Power Personal*, quoad hoc.

Fifthly, The *Supreme Power Personal* of England, is in Kings, Lords and Commons; and so it was in Effect agreed to, by King *Charles* the First, in his Answer to the nineteen Propositions; and resolv'd by the Convention of the Lords and Commons in the year 1660. And note, That the Acts of that Convention, tho' never confirmed by Parliament have been taken for Law, and particularly by the Lord Chief Justice *Hales*.

Sixthly, The *Supreme Power Personal* of England fails three Ways.

1. 'Tis dissolved: For two Essential Parts fail. 1. a King. 2. a House of Commons; which cannot be called according to Constitution, the King being gone, and the Freedom of Election being destroyed by the Kings Incroachments.

2. The King has forfeited his Power several Ways. Subjection to the Bishop of *Rome*, is the Subjection against which our Laws cry loudest: And even *Barclay* (that Monarchical Politician) acknowledges, That if a King alienate his Kingdom, or subject it to another, he forfeits it. And *Grotius* asserts, That if a King really attempt to deliver up or subject his Kingdom, he may be therein resisted: And that, if the King have part of the *Supreme Power*, and the People or Senate the other part, (the King invading

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vading that part which is not his) a just Force may be opposed, and he may lose his Part of the Empire. *Grotius de Bello*, &c. Cap. 72. But that the King has *subjected the Kingdom to the Pope*, needs no Proof; That he has *usurp'd an absolute Power superior to all Laws*, made the Peoples Share in the Legislative Power impertinent and useless, and thereby invaded their just Rights, none can deny. 'Twere in vain to multiply Instances of his Forfeitures: And; if we consider the Power exercis'd by him of late, it will most evidently appear to all who understand the *English Constitution*, that it admits of no such King, nor any such Power:

3. The King has deserted,

(1.) By incapacitating himself by a Religion inconsistent with the Fundamentals of our Government.

(2.) By forsaking the Power the Constitution allow'd him, and usurping a Foreign one: So that tho the Person remained, the King was gone long ago.

(3.) By Personal Withdrawing.

*Seventhly*, The *Supreme Power Real* remains in the Community; and they may act by their Original Power: And tho every Particular Person is, notwithstanding such Dissolution, Forfeiture, or Desertion, subject to the Laws which were made by the *Supreme Power Personal*, when in Being; yet the Communities Power is not bound by them, but is paramount all Laws made by the *Supreme Power Personal*: And has a full Right to take such Measures for Settling the Government, as they shall think most sure and effectual, for the lasting Security and Peace of the Nation. For we must note, that it was the Community of *England*, which first gave Being to both King and Parliament, and to all the other Parts of our Constitution.

*Eighthly*, The most Renowned Politician observes, That those Kingdoms and Republicks subsist longest that are often renewed, or brought back to their first Beginnings; which is an Observation of Self-evident Truth, and implies, That the *Supreme Power Real* has a Right to renew, or bring back. And the most ingenious *Lawson* observes (in his *Politica*) That the Community of *England*, in the late Times, had the greatest Advantage that they or their Ancestors had had for many Ages, for this purpose; tho God hid it from their Eyes: But the wonderful Concurrence of such a series of Providences, as we now see and admire, gives ground to hope, That the Veil is removed, and the Nation will now see the Things that concern their Peace.

*Ninthly*, The Acts done and executed by the *Supreme Power Personal* (when in Being) have so modell'd the Parts and Persons of the Community, that the Original Constitution is the best, justest, and the most desirable. The *Royal Family* affords a Person that both Heaven and Earth point out for King. There are Lords, whose Nobility is not affected by the Dissolution of the Government, and are the subject Matter of a House of Lords; And there are Places, which by Custom or Charter have Right to choose Representatives of the Commons.

*Tenthly*, There are inextricable Difficulties in all other Methods. For,

1. There is no Demise of the King, neither Civil nor Natural.

2. There is consequently no Descent.

3. The Community only has a Right to take Advantage of the Kings Forfeiture or Desertion.

4. Whatever other Power may be imagin'd in the two Houses, as Houses of Parliament, it cannot justify it self to the Reason of any, who understand the Bottom of our Constitution.

5. By this Method all *Papish Successors* may be excluded; and the Government secured, in case all the *Protestants* of the Family die without Issue: And this by the very Constitution of *England*. And the Question can never arise about the Force or the Lawfulness of a Bill of Exclusion.

6. The Convention will not be oblig'd to take Oaths, &c.

*Eleventhly*, If these things be granted, and the Community be at Liberty to act as above; it will certainly be most advisable, not only for the Security and Welfare of the Nation, but (if rightly understood) for the Interest of their Royal Highnesses, to limit the Crown as follows:—To the Prince of *Orange* during his Life (yet with all possible Honour and Respect to the Princess, whose Interests and Inclinations are inseparably the same with his) Remainder to the Princess of *Orange*, and the Heirs of her Body; Remainder to the Princess of *Denmark*, and the Heirs of her Body; Remainder to the Heirs of the Body of the Prince of *Orange*; Remainder as an Act of Parliament shall appoint.

This will have these Conveniences among others.

1. Husband and Wife are but one Person in Law, and her Husbands Honour is hers.

2. It puts the present Kingly Power into the best Hand in the World; which (without Flattery) is agreed on by all Men.

3. It

3. It asserts the above said Power in the Community.

4. It will be some Acknowledgment to the Prince for what he has done for the Nation: And it is worthy Observation, that before the *Theocracy* of the *Jews* ceased, the manner of the Divine Designation of their Judges, was by God's giving the People some Deliverance by the hand of the Person, to whose Government they ought to submit; and this even in that time of extraordinary Revelations. Thus *Othniel*, *Gideon*, *Jephthah*, *Sampson*, and others were invested by Heaven with the Supreme Authority: And though *Joshua* had an immediate Command from God to succeed *Moses*, and an Anointing to that purpose, by the laying on of *Moses's* Hands: Yet the Foundation of the People's Submission to him was laid in *Jordan*. And I challenge the best Historians to give an Instance (since that *Theocracy* ceased) of a Designation of any Person to any Government more visibly Divine than that which we now admire. If the Hand of Providence (miraculously and timely disposing Natural Things, in every Circumstance to the best advantage) should have any influence upon Mens Minds; most certainly we ought not here to be insensible. If the Voice of the People be the Voice of God, it never spoke louder: If a Nation of various Opinions, Interests and Factions, from a turbulent and fluctuating State, falls into a serene and quiet Calm, and Mens Minds are strangely united on a sudden; it shews from whence they are influenced. In a word, if the Hand of God is to be seen in Human Affairs, and his Voice to be heard upon Earth; we cannot any where (since the ceasing of Miracles) find a clearer and more remarkable Instance, than is to be observ'd in the present Revolution. If one examines the Posture of Foreign Affairs, making way for the Prince's Expedition by some sudden Events and Occurrences, which no Human Wisdom or Power could have brought about; if one observes that Divine Influence which has directed all his Counsels, and crown'd his Undertakings, notwithstanding such innumerable Dangers and Difficulties, with constant Honour and Success: If one considers how happily and wonderfully both Persons and Things are changed in a little time, and without Blood; it looks like so many marks of God's Favour, by which he thinks fit to point him out to us in this extraordinary Conjunction.

I will trouble you but with one Consideration more; which is, That the two things most necessary in this Affair, are Unanimity and Dispatch: For without both these your Counsels will have little Effect. In most things 'tis good to be long in resolving; but in some 'tis fatal not to conclude immediately: And presence of Mind is as great a Virtue, as Rashness is a Vice. For the turns of Fortune are sometimes so quick, that if Advantage be not taken in the critical hour, 'tis for ever lost. But, I hope, your Lordships, and all those Gentlemen who compose this August Assembly, will proceed with so much Zeal and Harmony, that the Result of your present Consultations may be a lasting and grateful Monument to Posterity, of your Integrity, Courage and Conduct.

### *The Late Honourable Convention proved a Legal Parliament.*

I. **T**HE necessity of a Parliament agreed by the Lords and Commons Voting that the Throne is Vacant; for there being a Vacancy, there follows an immediate necessity of settling the Government, especially the Writs being destroyed, and the Great Seal carried away, put a period to all publick Justice, and then there must be a supply by such means as the necessity requires, or a failure of Government.

II. Consider the Antecedents to the calling the Convention; that is, about three hundred of the Commons, which is a majority of the fullest House that can be made, above sixty Lords, being a greater number, than any part divided amounted to at this great Meeting, the Lord Mayor, Aldermen, and Common Council of the City of London, by application to His then Highness the Prince of Orange, desired him to accept of the Administration of Publick Affairs, Military and Civil, which he was pleased to do, to the great satisfaction of all good People, and after that His Highness was desired to Issue forth his Circular Letters to the Lords; and the like to the Coroners, and in their absence to the Clerks of the Peace, to Elect Knights, Citizens and Burgesses; this was more than was done in fifty nine, for the calling a Parliament in April 1660, for there the Summons was not real, but fictitious (*i. e.*) in the names of the Keepers of the Liberties of England, a meer Notion set up as a Form, there being no such Persons, but a meer *Ens rationis*, impossible really to exist: so that there was much more done than in 1659, and all really done which was possible to be invented, as the Affairs then stood. Besides King Charles the 2<sup>d</sup>. had not abdicated the Kingdom, but was willing to return, and was at Breda, whither they might have sent for Writs, and in  
the



the mean time have kept their form of Keepers of the Liberties, &c. But in the present case there was no King in being, nor any style or form of Government, neither real, or notional left; so that in all these respects, more was done before, and at the calling of this Great Convention, than for calling that Parliament (for so I must call it) yet that Parliament made several Acts, in all thirty seven, as appears by *Keebles* Statutes, and several of them not confirmed; I shall instance but in one, but it is one which there was occasion to use in every County of *England*; I mean the Act for Confirming and Restoring Ministers, being the 17th. of that Sessions, all the Judges allowed of this as an Act of Parliament, tho never confirmed, which is a stronger case than that in question; for there was only fictitious Summons, here a real one.

III. That without the Consent of any Body of the People; this at the Request of a Majority of the Lords, more than half the number of the Commons duly chosen in King *Ch.* the 2<sup>d</sup>. time, besides the great Body of the City of *London* being at least esteem'd a 5th part of the Kingdom; yet after the King's Return, he was so well satisfied with the calling of that Parliament, that it was Enacted by the King, Lords and Commons Assembled in Parliament; that the Lords and Commons then Sitting at *Westminster* in the present Parliament, were the two Houses of Parliament, notwithstanding any want of the Kings Writs or Writ of Summons, or any defect whatsoever; and as if the King had been present at the beginning of the Parliament; this I take to be a full Judgment in full Parliament of the case in question, and much stronger than the present case is, and this Parliament continued till the 29th. of *December* next following, and made in all thirty seven Acts, as abovementioned.

The 13 *Caroli* 2. chap. 7. (a full Parliament called by the Kings Writ) recites the other of 12 *Caroli* 2. and that after his Majesties return they were continued till the 29th. of *December*, and then dissolved, and that several Acts passed; this is the plain Judgment of another Parliament.

1. Because it says they were continued, which shews they had a real being capable of being continued; for a Confirmation of a void Grant has no effect, and Confirmation shews a Grant only voidable, so the continuance there shewed it at most but voidable; and when the King came, and confirm'd it, all was good.

2. The dissolving it then, shews they had a being, for, as *ex nihilo nihil fit*, so *super nihil nil operatur*, as out of nothing nothing can be made, so upon nothing nothing can operate.

Again, the King, Lords and Commons, make the great Corporation or Body of the Kingdom, and the Commons are legally taken for the Free-holders, *Inst.* 4. p. 2. Now the Lords and Commons having Proclaimed the King, the defect of this great Corporation is cured, and all the Essential parts of this great Body Politique united and made compleat, as plainly as when the Mayor of a Corporation dies, and another is chosen, the Corporation is again perfect; and to say, that which perfects the great Body Politique should in the same instant destroy it, I mean the Parliament, is to make contradictions true, *simul & semel*, the perfection, and destruction of this great Body at one instant, and by the same Act.

Then if necessity of Affairs was a forcible Argument in 1660, a time of great peace, not only in *England*, but throughout *Europe*, and almost in all the World; certainly 'tis of a greater force now, when *England* is scarce delivered from Popery and Slavery; when *Ireland* has a mighty Army of Papists, and that Kingdom in hazard of final destruction, if not speedily prevented; and when *France* has destroyed most of the Protestants there, and threatens the ruine of the *Low-Countries*, from whence God has sent the wonderful Assistance of our Gracious, and therefore most Glorious King; and *England* cannot promise safety from that Foreign Power, when forty days delay, which is the least can be for a new Parliament, and considering we can never hope to have one more freely chosen, because first it was so free from Court-influence, or likelihood of all design, that the Letters of Summons issued by him, whom the great God in infinite Mercy raised to save us, to the hazard of his Life, and this done to protect the Protestant Religion and at a time when the people were all concerned for one Common interest of Religion, and Liberty, it would be vain when we have the best King and Queen the World affords; a full house of Lords, the most solemnly chosen Commons that ever were in the remembrance of any Man Living, to spend Money and lose time (I had almost said to despise Providence) and take great pains to destroy our selves.

If any object Acts of Parliament mentioning Writs and Summons, &c.

I answer, the Precedent in 1660 is after all those Acts.

In private cases as much as has been done in point of necessity; a Bishop Provincial dies, and *sede vacante* a Clerk is presented to a Benefice, the Presentation to the Dean and Chapter is good in this case of Necessity; and if in a Vacancy by the Death of a Bishop

shop a Presentation shall be good to the Dean and Chapter, rather than a prejudice should happen by the Church lying void; Surely *a fortiori* — Vacancy of the Throne may be supplied without the formality of a Writ, and the great Convention turn'd to a Real Parliament.

A Summons in all points is of the same real force as a Writ, for a Summons and a Writ differ no more than in name, the thing is the same in all Substantial parts; the Writ is Recorded in Chancery, so are His Highnesses Letters; the proper Officer Endorses the Return, so he does here (for the Coroner in defect of the Sheriff is the proper Officer) the People Choose by Virtue of the Letters, &c. & *quæ re concordant parum differunt*, they agree in Reality, and then what difference is there between the one and the other?

*Object.* A Writ must be in Actions at Common Law, else all Pleading after, will not make it good, but Judgment given may be Reversed by a Writ of Error.

*Answer.* The case differs, first, because Actions between party and party, are Adversary Actions, but Summons to Parliament are not so, but are Mediums only to have an Election.

2. In Actions at Law the Defendant may plead to the Writ, but there is no plea to a Writ for electing Members to serve in Parliament; and for this I have *Littleton's* Arguments; there never was such a Plea, therefore none lies.

*Object.* That they have not taken the Test.

*Answer.* They may take the Test yet, and then all which they do will be good, for the Test being the distinguishing Mark of a Protestant from a Papist, when that is taken, the end of the Law is performed.

*Object.* That the Oaths of Allegiance and Supremacy ought to be taken, and that the new ones are not legal.

*Answer.* The Convention being the Supreme Power, have abolish'd the old Oaths, and have made new ones; and as to the making new Oaths, the like was done in *Alfred's* time, when they chose him King, *vide* Mirror of Justice. Chap. 1. for the Heptarchy being turn'd to a Monarchy, the precedent Oaths of the seven Kings could not be the same King *Alfred* swore.

Many Precedents may be cited, where Laws have been made in Parliament, without the King's Writ to summon them, which for brevity's sake I forbear to mention.

For a farewell, the Objections quarrel at our Happiness, fight against our Safety, and aim at that which may indanger Destruction.

### The Present Convention, a Parliament.

I. **T**HAT the formality of the Kings Writ of Summons is not so essential to an *English* Parliament, but that the Peers of the Realm, and the Commons, by their Representatives duly Elected, may legally act as the great Council and representative Body of the Nation, though not summoned by the King, especially when the circumstances of the time are such, that such Summons cannot be had, will (I hope) appear by these following Observations.

*First,* The *Saxon* Government was transplanted hither out of *Germany*, where the meeting of the *Saxons* in such Assemblies was at certain fixed times; *viz.* at the New and Full Moon. But after their Transmigration hither, Religion changing, other things changed with it; and the times for their publick Assemblies, in conformity to the great Solemnities celebrated by Christians, came to be changed to the Feasts of *Easter*, *Pentecost*, and the *Nativity*. The lower we come down in Story, the seldomer we find these General Assemblies to have been held; and sometimes (even very anciently) when upon extraordinary occasions, they met out of course, a *Precept*, an *Edit*, or *Sanction* is mentioned to have Issued from the King: But the Times, and the very place of their ordinary Meeting having been certain, and determined in the very first and eldest times that we meet with any mention of such Assemblies, which times are as ancient as any Memory of the Nation it self; hence I infer, that no Summons from the King can be thought to have been necessary in those days, because it was altogether needless.

*Secondly,* The Succession to the Crown did not in those days, nor till of late years, run in a course of Lineal Succession by right of Inheritance: But upon the death of a Prince, those Persons of the Realm that Composed the then Parliament, Assembled in order to the choosing of another. That the Kingdom was then Elective, though one

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or other of the Royal Blood was always chosen, but the next in Lineal Succession very seldom, is evident from the Genealogies of the *Saxon* Kings, from an old Law made at *Calchynth*, appointing how, and by whom Kings shall be chosen; and from many express and particular Accounts given by our old Historians, of such Assemblies held for Electing of Kings. Now such Assemblies could not be Summon'd by any King; and yet in conjunction with the King that themselves set up, they made Laws, binding the King and all the Realm.

*Thirdly*, After the Death of King *William Rufus*, *Robert*, his Elder Brother, being then in the *Holy Land*, *Henry*, the younger Son of King *William* the First, procured an Assembly of the Clergy and People of *England*, to whom he made large Promises of his good Government, in case they would accept of him for their King; and they agreeing, that if he would restore to them the Laws of King *Edward the Confessor*, then they would consent to make him their King. He swore that he would do so, and also free them from some oppressions, which the Nation had groan'd under in his Brothers and his Fathers time. Hereupon they chose him King, and the Bishop of *London*, and the Archbishop of *Tork*, set the Crown upon his Head: Which being done, a Confirmation of the *English* Liberties passed the Royal Assent in that Assembly, the same in substance, though not so large as King *John's*, and King *Henry* the Third's *Magna Charta's* afterwards were.

*Fourthly*, After that King's Death, in such another Parliament, King *Stephen* was Elected, and *Maud* the Empress put by, though not without some stain of perfidiousness upon all those, and *Stephen* himself especially, who had sworn in her Fathers Lifetime, to acknowledge her for their Sovereign after his decease.

*Fifthly*, In King *Richard* the First's time, the King being absent in the *Holy Land*, and the Bishop of *Ely* then his Chancellor, being Regent of the Kingdom in his Absence, whose Government was intolerable to the People for his Insolence and manifold Oppressions, a Parliament was convened at *London*, at the Instance of Earl *John*, the Kings Brother, to treat of the great and weighty affairs of the King and Kingdom; in which Parliament this same Regent was depos'd from his Government, and another set up, viz. the Arch-Bishop of *Roan* in his stead. This Assembly was not conven'd by the King, who was then in *Palestine*, nor by any Authority deriv'd from him, for then the Regent and Chancellor must have call'd them together; but they met, as the Historian says expressly, at the Instance of Earl *John*. And yet, in the Kings Absence, they took upon them to settle the publick Affairs of the Nation without Him.

*Sixthly*, When King *Henry* the 3<sup>d</sup>. died, his Eldest Son, Prince *Edward* was then in the *Holy Land*, and came not home till within the third year of his Reign; yet, immediately upon the Fathers Death, all the Prelates and Nobles, and 4 Knights for every Shire, and 4 Burgesses for every Borough, Assembled together in a great Council and settled the Government till the King should return: Made a new Seal, and a Chancellor, &c.

I infer from what has been said, that Writs of Summons are not so Essential to the being of Parliaments, but that the People of *England*, especially at a time when they cannot be had, may by Law, and according to our old Constitution Assemble together in a Parliamentary way without them, to treat of and settle the publick Affairs of the Nation. And that, if such Assemblies so conven'd, find the Throne Vacant, they may proceed not only to set up a Prince, but with the Assent and Concurrence of such Prince, to transact all Publick business whatsoever, without a new Election; they having as great Authority as the People of *England* can delegate to their Representatives.

II. The Acts of Parliaments not Formal nor Legal in all their Circumstances, are yet binding to the Nation so long as they continue in Force, and not liable to be questioned as to the Validity of them, but in subsequent Parliaments.

*First*, The two *Spencers*, *Temp. Edwardi Secundi*, were banished by Act of Parliament, and that Act of Parliament repealed by *Dures & Force*; yet was the Act of Repeal a good Law, till it was Annulled 1 *Ed.* 3.

*Secondly*, Some Statutes of 11 *Rich.* 2. and attainders thereupon were repealed in a Parliament held, *Ann.* 21. of that King, which Parliament was procured by forced Elections; and yet the Repeal stood good, till such time as in 1 *Henry* 4. the Statutes of 11 *Rich.* 2. were revived and appointed to be firmly held and kept.

*Thirdly*, The Parliament of 1 *Hen.* 4. consisted of the same Knights, Citizens and Burgesses that had served in the then last dissolved Parliament, and those Persons were by the Kings Writts to the Sheriffs commanded to be returned, and yet they passed Acts, and their Acts tho never confirmed, continue to be Laws at this day.

*Fourthly*, Queen *Mary's* Parliament that restored the Popes Supremacy, was notoriously known to be pack'd, inasmuch that it was debated in Queen *Elizabeth's* time, whether or no to declare all their Acts void by Act of Parliament. That course was then



then upon some prudential considerations declined; and therefore the Acts of that Parliament, not since repealed, continue binding Laws to this day.

The reason of all this, is, Because no inferior Courts have Authority to judge of the Validity or Invalidity of the Acts of such Assemblies, as have but so much as a colour of Parliamentary Authority.

The Acts of such Assemblies being Entred upon the Parliament-Roll, and certified before the Judges of *Westminster-Hall* as Acts of Parliament, are conclusive and binding to them; because Parliaments are the only Judges of the Imperfections, Invalidities, Illegalities, &c. of one another.

The Parliament that call'd in King *Charles* the Second, was not assembled by the Kings Writ, and yet they made Acts, and the Royal assent was had to them; many of which indeed were afterwards confirmed, but not all, and those that had no Confirmation, are undoubted Acts of Parliament without it, and have ever since obtained as such.

Hence I infer that the present Convention, may, if they please, assume to themselves a Parliamentary Power, and in conjunction with such King or Queen as they shall declare, may give Laws to the Kingdom as a legal Parliament.

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*The Thoughts of a Private Person, about the Justice of the Gentlemens Undertaking at York, Nov. 1688. Wherein is shewed, That it is neither against Scripture, nor Moral honesty, to defend their Just and Legal Rights, against the Illegal Invaders of them. Occasioned then by some Private Debates, and now submitted to better Judgments.*

The present Undertaking of the Gentlemen at *York*, Nov. 88. taken into Consideration; wherein is shewed, That it is neither against Scripture, nor moral Honesty, to defend their Just and Legal Rights against the Illegal and Unjust Invaders of them; by way of Objection and Answer.

1. **T**hat it is not against Scripture is shewed, Obj. 1, 2, 3.
  2. That it is not inconsistent with the Frame of the Government in General, Obj. 4.
  3. Not against the Law, but the Law-breakers, Obj. 5.
  4. Not Rebellion, Obj. 6.
  5. No Usurpation of the Power of the Sword, Obj. 7.
  6. No unlawful Act in a moral Sense, Obj. 8.
  7. Not against true Allegiance, Obj. 9.
  8. Not against the Declaration in a Legal Sense, Obj. 10.
  9. Not against Political Power, but Force without Political Power, Obj. 11.
  10. Not against any Royal Prerogative in general, Obj. 12.
  11. Not against the Supremacy, Obj. 13.
  12. Not Criminal Disobedience, Obj. 14.
  13. Not incommodious or unsafe for the Publick in respect of the present and approaching Evils in removes, Obj. 15, 16.
  14. No disparagement to the Frame of the Government, that cannot otherwise decide an obstinate difference between King and People, Obj. 17.
- Lastly, The Conclusion, shewing, That Non-resistance of illegal Force, does in effect make all Monarchs Arbitrary, and the People Slaves.

*The Thoughts of a Private Person, &c.*

**M**EN have three Rules to walk by, which we may call Laws, that is, *Nature, Reason, and Religion*; and answerable to these three a Christian hath three Principles, that is, *Sensitive, Rational, and Spiritual*, which I take to be the distinction that *St. Paul* makes, *1 Thes. 5. 23. I pray God your whole Spirit, Soul and Body, be preserved blameless unto the coming of our Lord Jesus Christ.*

*Nature* considers all Men as single Persons, and directs them to Self-interest and Self-preservation, as the chief end. *Reason* considers Men as sociable Creatures, and directs them to unite the Government for the publick Good (inclusive of their own Safety) as the chief End. And the *Spirit* considers Men as Candidates for Heaven, and directs them to live according to the Word of God, that they may attain Eternal Happiness, the chief End of Man. All these have the divine Warrant, and are of force where the Lower is not superseded by the Higher. A single Person is not to expose himself to ruin, unless it be for the Publick good; and the Publick are not to expose themselves to Beggary and Slavery, unless it be for the Kingdom of Heaven.

Now though these Rules may be considered separate, and apart, yet they all ought to be in a Christian Government. Laws for the publick Good do not destroy the Law of Nature, but supersede it for a greater Good; and the Laws of God do not destroy the Law of Reason, but supersede it for a higher end, and so makes it still more Reasonable to do so. Nothing therefore can justify a Private Injury but the Publick Good, and nothing can hinder the Publick Good for being carried on but Sin. For these Laws are not destructive but supportive of one another, and all supportive of Man. When a Man cannot defend himself, by the Method and Measures of the Publick, (as in case of sudden Assaults) he may by the Law of Nature, break the Peace and smite his Adversary to save his own life, because humane Laws can reward no Person's obedience with so good a thing as life, and therefore, the publick good excepted, his life is to be preferred before all forms of Law. But it is not so with the Laws of God; for if I be urged to deny my Faith, or dye, I must dye rather than break Gods Law, because God will give me a better Life, and an infinite Reward. Necessity can suspend a positive Law of Man, that is merely such, but it cannot supersede what is established by God or Nature; an Act therefore that is civilly Unlawful, may notwithstanding be Lawful, because it is not Lawless, but under a more extensive Law. If it be according to the Laws of God, or sound Reason, the Conscience is safe, and the Act commendable before God and good Men, though it be against the form of Political Law: For though it be against the Form, it is not against the Reason of that Law; and the Form not being extensive enough of Man's safety, it must give place to necessity, and absolve him of his duty, when his duty would destroy him.

The Safety of Man shows us both the Necessity and End of humane Government; for when private Persons found they could not be Safe, they were willing to enter into Compacts and Associations, and reposit their private Safety in the publick Interest: And therefore if after this Association some of their Fellows will break the Covenants, and go about to destroy the Rest, it is lawful, both by the Laws of God and Man, for the injured to defend themselves; and by the Laws and Compacts by them made, and consented to, on both sides, for the publick Good. Otherwise it would be unlawful to resist Injustice, and consequently a Thief or a Robber.

**Object.** 1. *But you will say in all Governments there are Superiours and Inferiours, and God has made Obedience a part of Religion, and consequently conducive to a higher end than the Publick Good; and therefore if the Governours break the Laws, and introduce a Publick Evil for a Private Interest, they must not be resisted upon pain of Damnation.*

**Ans.** This were a good Plea, if it were true, but God is not the Patron of Injustice; and therefore he gives no Prince or Potentate more Authority over the People than the Tables of the Government express, and of these there are diverse degrees. Those that are Govern'd by the will of their Prince, whose Word is a Law, if he command their Persons for Slaves, or Estates to serve his Ambition, they must obey, and God requires it of them, because it is the Princes Right. Arbitrary Princes have a Political Power to treat a Subject cruelly and inhumanely; their Immorality is an offence against God not injustice to the Subject who had given up himself to be used at their discretion. But those that are to rule by Laws made for the Publick good, and such as render the Subjects Freeman, not Slaves; such as secures their Religion, Liberty and Property; if these

Princes

Princes contrary to Law imprison their persons, or seize their Estates, they do it unjustly, without God's Warrant, or any Political Authority, and may be resisted, or else we might not resist the Devil, should he creep into the Court in a Jesuits habit, and Haman-like, get a Commission to cut all our Throats.

If I be called to suffer for my Religion, or the Faith of Christ, I am bound to suffer upon a mighty reasonable account: For first, It is the best way to overcome, my Faith can Triumph so by no other Victory as by Death, for that is a Victory never to be lost again. 2. Though I die, the Tyrant hath not his end, but is by that means utterly defeated of it. And 3. I shall be an infinite gainer by it, for I shall have an infinite Reward for what I suffer, and what I lose. But there is a vast difference between suffering for the Faith of Christ, and for the frame of a Political Government; for if I may not resist I am overcome. 2. If I am overcome, the Tyrant gets his End; namely, an Arbitrary Power. And 3. He has promis'd no Reward for such Voluntary entering into Bondage, or owning an usurped Authority. The Church and the frame of the State stand upon Two several Bottoms, God has promised to support the Church, and there needs no Arm of flesh to defend it under the worst of governments: But the frame of every government is a Humane Structure; and though God does impower and authorize every government, yet he has left the Choice of the several kinds to the parties, and has promised to bless them in the just Administration of their several Choices; but no where has he promised to support the particular frame they chose, that as their prudence raised it, or it must fall at every King's pleasure, and when they have chosen out the Frame, God that approves it, grants neither the King nor the people greater priviledges than the Frame it self expresses, which in diverse Nations is different, some submitting to be governed by the will of him they Voluntarily chose. Others to one that will govern by Laws of their own making, and his approving. Others to one of their precedent Kings Race or Line. Others to a multitude. Others to a few of the best and presumptively wisest Persons, and every peoples choice must be the measure of their Obedience, if they have made an ill Bargain they must stand to it, and if they have made a good one they may stand for it. If therefore any Governor challenge more of the Subject than is in the Submission, That Subjects may by the Laws of God and Man deny to yield it. And if the Prince deny to give the Subject as much as in the Grant, the Subject may challenge his Right, and if by Force or Fraud, contrary to the Frame of the government, the Governor will force the governed from his Right, (the Obligation of subjection ceases so far, and he may defend himself from the oppression and injustice as well as he can.

Obj. 2. But he must defend himself in God's way, his defence must be without Sin. And that is either by Prayers to God, or Intreaties to the Prince, or by Suffering; for the Scripture says, all Power are of God, and they that resist the Power, resist the Ordinance of God, Rom. 13. 2. And St. Peter gives Christians in Charge, that they submit to every Ordinance of Man for the Lord's sake.

Ans. All Powers indeed are of God, that is every Government has God's Warrant to proceed according to the Frame of the government, to the End of the government, which is the publick Good. The Power is of God, but the Restraint of the Power is in the Frame of the government, and the Frame is an humane Ordinance or Structure, as the Apostle elegantly Expresses it, *ad quoniam alium* he therefore that resisteth the government, proceedeth according to the Frame of the government, resisteth the Ordinance of God. But if the Governor proceed neither according to the Frame of the government, nor to the End, but against it, such Process cannot be the Ordinance of God, unless God have two contradictory Ordinances of Force, at one time in the same Government, and then the command may be true and false, and the Subjects duty good and evil, and men would be perpetually distracted with serving two Masters. This would make the Government God's and the Devil's, and as no less than to put a Blasphemous Juggle upon the Ordinance of God: which is always simple, and at one with it self. These Scriptures therefore can tie us to obey the Governor contrary to the Government, because they tie us to obey the government; and that this is all they tie us from resisting, is evident by the Reason St. Paul gives, which is, *because the Resisters resist the Ordinance of God*; and therefore it is warily exprest, if it were but as warily read, for it is not whosoever resisteth the person or the will of the Governor, but whosoever resisteth the Power (and that Power is neither more nor less than the Frame of the government expresses) resisteth the Ordinance of God, and to this Resistance the Penalty is annexed.

But it does not follow, because I may not resist the Ordinance of God, that I may not resist the powerless and inauthoritative, unjust Attempts of Superiours upon me,

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## *The Thoughts of a private Person, &c.*

for then a Souldier might not resist his Captain that would rob him, nor a Married Man-servant his Master that would force his Wife.

This I think evidences, That to resist a Superiour and his evil Instruments and Accomplices, while they Act contrary to the Frame of the Government, is not to resist the Power of God, or the Ordinance of God, but to keep off those who usurp upon the Power of God, and the Frame of the Government, and the just Rights of others. For I would fain know of the Doctors of Non resistance, whether the Act that contains the Test, have the stamp of God's Authority upon it or no; if it have not, the Power of the King and Parliament is no Power of God; if it have, then to resist, that is to resist the Ordinance of God: And those Commissions that are contrary to it, have no power from God: If the affirmative be true the negative is of no force. And therefore to resist such Commissions, is not to resist the Ordinance of God, unless God's Ordinances be contradictory, and that would render God guilty of double dealing, as well as the Jesuits. Which being utterly impossible, it must be concluded, That the resisting such Commissions, and the Instruments acting by them, is not to resist Lawful Authority, but to remove Unlawful; not to do evil, but to hinder it; not to sin, but to prevent Sinners for doing mischief; and it would be very hard measure for a Man to be damn'd for doing such a good Office. Bishop Bilson, therefore speaking of this Text, says, *It is not resisting the King's Will against Law, but according to Law that is forbidden.* And both Barclay, and Grotius affirm, *That the People may in diverse Cases resist Kings that are tyed to govern by Law, which they could not do, did they think these Scriptures forbade all resistance.*

Much indeed is said from the Practice of the Jews, and the Primitive Christians, and the Subjection of Servants, but nothing to the purpose; for their Case is not ours, more than their frame of Government is ours; their Servants were Slaves, and their Kings and Emperours Wills were their Laws; their People had no *Magna Charta's* to show, nor Fundamental Compacts, and so could plead no injustice in any command, the frame of the Government Warranted all those commands that had the Royal pleasure: Their Political Power was more extensive than their Moral Power. The People were wholly at the Mercy of the Prince: All their Laws were Acts of Grace, not fundamental Reserves and inherent Rights, and therefore in Spirituals they had no Cause to resist, and in Temporals they might not, as was observed above. If they had been under limited Governments as we are, we might have heard of Blows as well as Words, St. Paul was never so virulent with his Tongue, as when he was smitten contrary to Law.

Obj. 3. *But the Person of the King is sacred, and must not be touched.*

Ans. I say so too; but it is his just Power that makes him so. And therefore in dangerous times, he is to be counselled and perswaded to secure himself, by keeping within the Sanctuary of the Laws, and holding them forth for the Publick Good, by gaining the Affections of the People, and being content with that measure of Power that is proper to the Government. For if he doth not, Right may and ought to be defended, and resistance (for the Publick good) of Illegal Commissioned Forces, is not resisting the King's Person, but his Forces; nor his Power, but his Force without Power. If none would execute the King's contradictory Commands, none would resist; and if he will against all Justice, Prudence and Perswasions, joyn with wicked Men, and wilfully expose himself to the mercy of blind Bullets, charge is to be given to all, that none kill him wittingly or wilfully; the hand that lifted him up may not pull him down: God forbid that any should think of killing him *de industria*, or despair of his repentance before God does, nothing past can prejudice a Penitent before God, and I hope not before Men; thus the King's person and power will be safe in the midst of a Civil War, not so safe as in peaceable times, but as safe as can consist with the Subjects Right, when their Religion and Laws, Liberty and Property, are Violently invaded. And therefore if any thing befall his person by their hands, it is but a chance and accidental thing, which may happen also in peaceable times.

This shows that Resisting the King's illegal commission'd Forces, in defence of their own just Rights, is not resisting the Ordinance of God, and consequently no Sin; and then the Conscience is not tyed otherwise than the Laws of the Land, and the particular Frame of the government ties it.

Obj. 4. *But to resist the King, or his Commissioners, is against the Frame of the Government, it being a Monarchy, and against the Laws and Statutes of the Realm.*

Ans. If it be so, it is a great Sin; but as it is certain this is a Monarchy, so it is certain that it is limited in the Foundation, otherwise the King would have all the Legislative Power, and the Parliament no Authority or Right but derived from him, and then  
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he must be Arbitrary, and we Slaves, and all our Laws must be acts of Grace, not Fundamental Rights: Not from any inherent power reserved at the Institution to our selves, and never submitted to the Princes; but from the gracious condescension of an Absolute Monarch, which is contrary to the Story of all times, which shows that the people ever claimed Liberty and Property, according to their Ancient Laws and Customs, not as a Gift, but as a Right inherent in themselves, and never Transferred, Aliened, or Conveyed to any King, but Declared. Recognized and Confirmed to them by many.

I shall therefore suppose (what I think none can upon sufficient grounds deny) that the King is bound by all the sacred Tyes of God and Man, to govern by the Laws, and not otherwise, neither by a Foreign Law, nor by one of his own framing, nor by any Word or Will contrary to Law, seeing nothing can have the force of Law here, but what has the joynt Consent of King and Parliament, and that in a Parliamentary way, and this shows us in the Terms of Submission that are sworn to on both sides. The King and the people by a joynt consent makes Laws, and make them the common Rule betwixt them, the King swears to observe the Laws, and the people swear to obey the King, and to leave the Execution of the Laws to the King to be managed for the publick good.

Therefore as long as he governs by Law, he and all his Ministers are safe enough from Resistance, the Resister being lyable to be punished both by God and Man; and the sole administration being left to the King, Subjects all but himself to Criminal procefs, and even himself to Civil, but his person and power are safe in both, he may be severe in the Execution of the Laws many times, but not unjust; As, if he will not suspend a Burthenfom Law, or Revive an Antiquated one, when the publick good requires it, This may render him uncharitable or imprudent, but he is safe yet; For though he be bound to proceed according to Law, yet he is not tyed to proceed always according to the best Methods, when there are diverse. But if he stop the Courts of Justice, erect new ones, or proceed contrary to Law, he Acts without Authority and against his own Authority, and puts on a kind of a Vizard, that his Subjects can neither know him nor their Duty; for it is the Laws that direct them to the person of the King, and their own Duty, without which they could know neither: And if the End be not the publick good it is downright Injustice, as well as politically powerless. Necessity indeed may justify a Political, unlawful Act for the Publick good. As in case of an Invasion to burn a garrison rather than it should be a refuge for the Enemy, or to open Sluces and to drown a part of the Country, for though these things have not the form of the Law, they have the reason, and that is Publick good: And therefore it is not Law but Necessity, not the King's Command but Publick good, that warrants these Acts. And when Peace returns, the Injured are to have satisfaction made by the Publick, not as of Charity, but as of Justice, which shows that the Law looks upon it as a Trespass, justified only by Necessity and the Publick good. And the particular Persons here, have reason to be quiet and make no resistance, because they shall reap double benefit by it, one in the Publick good, and another from the Publick Treasure. But it does not follow, that if the King in an angry mood, should command his guards to fire *Newmarket*, because he had lost an Horse-race there, or had a mind to have a Bone-fire, because he had won one, that the Inhabitants might not resist them.

Obj. 5. *By what Law? Not by the Law of the Land?*

*Answ.* Yes, By the Law of the Land a Petty Constables word would justify Resistance, better then the Kings Commission could justify the illegal Attempt. But suppose there were no Person that had the least Authority, and that the resistance could not be within the prescribed Form of government; yet because the force is an unauthoritative force, and because there is greater necessity of the End of the government than of the Form; Men may by the Law of Nature and the Law of Reason proceed to the End, not without all Form, but without the Political Form, for those proceedings that are according to Reason, are not simply under no Law, but under a more extensive Law; and that Law justifies resistance, even of Superiors, when there is no other way of defence left the people. If the Case will admit of Intreaties, or sober Counsels, or legal Appeals, they are to be used; but if there be no room for these, or if they take no place, but illegal force be used, that force may, nay must be resisted, or evil is consented to. For he that will not serve the publick by that means when there is no other, does actually consent to the ruine of it. He that has his house on fire, and will not stir to quench the flames though he be able, is willing sure it should be burnt. The Rules of prudence indeed are to be observed, for if there be no probability that resistance will prevent the Evil, the attempt is Folly, and if resistance will do more harm than good it is

is inferviceable; and if there be any other means effectual it is unreasonable, for it ought to be the last refuge, and then if the Cause be good, Necessity justifies proceeding to the End: Not by illegal Means, but by suspending the Political Form, and appealing to the Reason of Mankind, and introducing the Law of Nature: And this is no more than when Judgment at Common-Law is reversed in Chancery, the Form of the Law gives place to Equity and sound Reason.

Obj. 6. *But is it Rebellion?*

Ans. I Answer, Rebellion is resisting the just Power of the Government, and if so, then it is no Rebellion to resist the unjust and usurped Power, for then it would be Rebellion to resist Rebellion, and there could be no such thing as a just defence against the exorbitant Power of Princes; and then the King might Commission a Captain, or a Collonel, to role up and down in the Country and Plunder, and it would be Rebellion in the *Posse Cum.* (at least in any private Family) to resist them. And a private Commission to cut our Throats would tye our hands till the business were done. But the resisting such Force, as has neither Moral nor political power, is no more Rebellion than to fight against a Wild Beast, that came with Strength, but no Authority to devour them. The *Papists* indeed have taken up Arms, without and against the just power of this Land, not only against the Form of Law, but to the overthrow of the Laws, and Fundamental Rights of this Government, directly against the Letter, the Power, and the End of the Law, which is as enslaving to the Subjects as an usurping Conquest; and it is no more Rebellion to resist them, than *Wat Tyler* or *Jack Cade*: They are Rebels who Arm against the Government, not they that defend it by Arms.

Obj. 7. *But this is to usurp the Power of the Sword, which by the Frame of the Government is wholly in the Kings Hand.*

Ans. The Political Power of the Sword indeed is in the King, but that does not devest the Subject of all defence by Arms, but only of such defence as is against or inconsistent with the Political Power. If force be offered that wants Political Power, whoever does it, does it but in the Nature of a private Person, and private Persons may resist such. The Right of Self-defence is a precedent Right to all Policy; and every Man has so much of it still, as is not given up unto the Political Power he lives under. They therefore that have given themselves up to be governed by Law only, have Right to defend themselves, not only against the private Assailant, which is allowed in all Governments, but also against illegal Force. And this Resistance is no Usurpation upon the Magistrates Power, because it is not an Act of Civil Authority, but of Natural Right: And if thousands join in the Attempt, they are all Voluntiers; a Multitude, but no body Corporate; and such as challenge no Authority over those they resist, but deny Subjection to such unauthoritative Force: For such Force wanting Political Power, has no Power but Strength, and Strength authorizes none to injure, but Natural Right authorizes every one to defend himself; so that in this case, the Resister has a moral Power or Warrant, but the illegal Invader none at all.

Obj. 8. *But the Resisters ought not to do an unlawful Act to suppress such illegal Force.*

Ans. I Answer, That Act is not simply Unlawful that wants Political Power; the Law is made for the publick Good as the End, and therefore if the prescribed means be not sufficient for the End, the Law permits that other reasonable means be used, otherwise People might dwell upon the Shadow till they've lost the Substance. The *Posse Com.* ought not by the prescribed form of Law to go into another County; but if the other County at that time had no Sheriff, whereby the power of that County could not be raised to defend it self; or if there were Ships in the Borders of the next County, to which the Plunderers might escape if they were not hotly pursued, I question not but the *Posse Com.* might do a commendable Act to pursue them, and take them in the next County. The Law was made for the publick Good, and not the Publick Good for the Law; and therefore when the Law cannot answer its own End, or prescribes ineffectual Means, any just and honest Means may be used; and this is not destructive of the Law, but suppletory; not a violating the Form prescribed, but an improving it: And though a Man may be called to account for doing a Good Act in such a manner, I suppose it is but to know the Truth of the Matter, and to preserve the Reverence of the Laws; for he is already cleared in his own Conscience, and in the Breasts of all Good Men; and a Pardon in that case does but declare it is so, and ought of Right (not of Grace) to be granted. For it is not necessary in respect of any Crime, but in respect of some defect in the Law, which had not made sufficient provision for the Publick Good.

Object. 9. *But it is against true Allegiance, and an Oath must be kept though it be to our own hurt.*

Ans. True



*Ans.* True Allegiance must be proportioned to the Frame of the Government, and the end of that Frame. Therefore if the Frame be to restrain Arbitrary Power, the Subject cannot owe Arbitrary Allegiance. Allegiance is more in some Places and less in others; but no Man can owe so much Duty to his Prince, as not to have a *Salvo* for God and his Life; and here we can owe none that is against our Laws and the Publick Good, for that would destroy the Government. Our Allegiance therefore must be bounded by our Laws, and not by the King's Word, or Will: No Man can swear to obey the King's Word or Will simply, but according to Law. It would be Sin to tye our selves to think, or speak, or do, what he would have us at-large. Our Allegiance therefore must be such as will consist with the Frame of our Government, and that must be such as is couched in the Body of our Laws. Other Allegiance there can be none, but what is wrapt up in Courtesies and Formalities. For it seems the King, as well as the People, is under the Law in some Sense, under the direction of it, though not under the constraint; and therefore at his Coronation, he does a kind of Fealty to the Laws and Government, and swears Allegiance to them, as to a Supreme Lord. The Oath is not only, *Will you grant the Laws, but will you grant and keep the Laws and Customs of England*; and the Answer is, *I grant and promise to keep them*. It is certain therefore, no Allegiance to the King can be against Law, to which he himself owes Allegiance.

The Case being thus far clear, That the Allegiance sworn to, is no other but our Legal Duty; it does not hinder but that we may resist illegal Force. When the King of the *Scots* swore allegiance to our King, it did not deprive him of a just defence of his just Right, by taking up arms if he were oppressed. And the King of *England* when he swore allegiance to the King of *France*, made no scruple to take up arms against his Liege Lord, in defence of his just Rights: And the Old Lawyers tell us, That the very Villain might in case of Rape and Murder arm against his Lord; and if the Law arm a Villain against his Lord, Subjects are worse than Villains, if they may not arm against their Sovereign Lord's illegal Forces, in defence of their Laws, Lives, Estates, and the publick good; but what makes it most evident is the Clause in King *Henry's* Charter, which says, *If the King invade those Rights, it is Lawful for the Kingdom to rise against him, and do him what injury they can, as though they owed him no Allegiance*; The Words are these (if my Author fail me not) *Licet omnibus de Regno nostro, contra nos insurgere, & omnia agere quae gravamen noster respiciant, ac si nobis in nullo tenerentur*. Much to the same purpose is in King *John's* Charter, which I find thus quoted. *Et Illi Barones, cum communia totius terrae, distringent & gravabunt Nos. Modis omnibus quibus poterunt; scilicet per captionem Castrorum, terrarum, possessionum, et alis modis quibus potuerint, donec fuerint emendatum, secundum Arbitrium eorum, salva persona nostra & Reginae nostra & Liberiorum nostrorum*. Much may be said of this Nature about the Old Allegiance, which was all couched in Homage and Fealty; but this is enough to show that true Allegiance does not tye us from resisting illegal Force, and Intolerable Inroachments upon our just Rights.

Obj. 10. But such Resistance would be against the Declaration, which says, It is not Lawful upon any pretence whatsoever to take up Arms against the King, &c.

*Ans.* The Latitude of the word Lawful causes the Scruple, which at first View seems to tell us, That it is sinful upon any pretence whatsoever, to take up arms against the King, &c. But it is no good consequence to say, That it is sinful because it is unlawful, unless the Discourse be restrained to the Laws of God. I must confess it is politically unlawful for Subjects in any Case, or for any Cause whatever, to take up arms against the King, and those Commission'd by him; because such a taking up arms here can have no political authority: But it is morally lawful in all limited Governments to resist that Force that wants political power. The regal power is irresistible in all Persons, from the King to the petty Constable; but it does not hinder but that all these Persons may be resisted, when they do what they have no political power to. They that have a limited power, and a prescribed Duty; may either act against, or beyond their Commission; and when they so do they may be resisted: For such acts have no political power in them, though the Persons have to other purposes. If a Commission should be granted to a Company of *Russians* to plunder and massacre, they might have something more of the King's Affections, but no more of his authority than Private Robbers had; and consequently might be resisted with equal Honesty. None therefore can make this Declaration in its full Latitude, but upon this presumption,

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That the King and his Ministers keep perpetually within the Bounds of the Law; otherwise they declare the King has an arbitrary power, which is against the Fundamental Laws of this Land, and a kind of Treason against the State: For if he may not be resisted in any Case, he may be under some moral restraint, but under no political restraint; and consequently the political frame of the Government must be arbitrary. The meaning therefore of this Declaration can be no other, but that a Man can have no Civil power or authority in any Case to take up arms against the King, &c. But this does not debar any man of the Natural Right of Self-defence, by private arms against Inauthoritative Force.

Obj. 11. *To this some reply, that seeing God hath plac'd the Governing (though limited) Power in the King's Hand, no Man may, by any Natural Right or Private Defence, resist his illegal Forces, God's Power must not be resisted, though abused.*

*Ans.* There is a great difference between the abuse of power, and the want of power; and therefore this argument either supposes the power greater than it is, or concludes ill. The King and Parliament have indeed an arbitrary power (I do not say Infinite, but as Extensive as the frame of government will bear) and therefore if they make a very grievous Law (though they ought not, for they are under a moral restraint though no political) neither the King nor any of his Ministers may be resisted in the due Execution of it. But the King has no power to burden us beyond or against Law; and we may thank our own Weakness if ever he have Strength to do it. This shows us there is a great difference betwixt the abuse of political power and the want of it. Abused power must not be resisted, but Force without power may. The political power of arbitrary Princes, is more extensive than their moral power: And this ties the Subject to Non-resistance, when he is Immorally or Unchristianly used. They that subject themselves to another's Discretion, devalue themselves of all defence. But they that reserve property and liberty to themselves, may justly defend them, when they are unjustly invaded. Had the King an arbitrary power, which he did abuse to vex the Protestants, I for my part should think myself obliged to suffer and not to resist, as I believe did all the Primitive Christians; but seeing he has no political power to use me as he lists, and the most absolute Monarch has no moral power to do an unjust Act to his Subject: I should be a senseless Fool, if without any Obligation either from God or Man, I should stand Blows rather than withstand them. The Truth is, Non-resistance stretch'd thus far, under this government, would make us like the Two Fools that went to the Field to fight with one Staff, with which *Vice Versa*, he that had it, cudgell'd the other, who stood all the while with his Hands in his pocket Valiantly bearing all the blows his Brother Fool thought good to lay on.

2. Others conclude otherwise against this Doctrine, and say; The King having the Sacred Power Lodged in him, may not be resisted, though he act without, or against that power, for reverence of that Just power of God that is in him.

This looks like a piece of Courtship to God, and smells more of Superstition than Divinity: God requires no Honor to the prejudice of Justice, or the advancement of Injustice; but this too Devout kind of Reverence would enable a bad Prince to injure the Innocent, and would leave Justice defenceless on Earth. Just power is a Sanctuary indeed, but the Sanctuary is of no larger extent than the power. This is evident by the Tenour of all Commissions, the granter must have a competent power of what he grants, and that warrants the Executor to proceed to the End of the grant; but the having power to one purpose, cannot protect a Man from Resistance, if he proceed to another. The Chimney man that is irresistible in his Office, is resistable if he gather the Corn in the Town-fields; And the King that receives his Commission from the King of Heaven to execute the Law, and is therefore Irresistible in the execution of it, is yet resistable, if he shut up all the Courts of Justice, and abuse his Subjects contrary to Law: In this case he acts not by the power of God, but his Own; by an Arm of Flesh, or the Strength of Wicked men (not by any political power or moral power) but by the Savage power of a Beast, or the malicious power of Hell. And how any Honor should accrue to God by a Voluntary submitting to such a power, is beyond my comprehension; they are most likely to Honor God, that stand up most for his power, and will submit to no other.

I have brought in these Two Objections here, because the Declaration is the most specious and obvious Plea for Non-resistance, and is usually back'd with one of these Conceits; that either want of political power, is but abuse of political power; or that

that a limited political power is a Sanctuary for unlimited Actions in whomsoever it rests.

Obj. 12. *But to resist such Forces as are Commission'd by the King, is against the Royal Prerogative of the Crown.*

*Ans.* The King has no Prerogative, (except such as are wrapt up in *honorary Formalities*) but what the Law gives him, we must not therefore presume a Prerogative, and then conclude it Law; but first find the Law, and by it prove the Prerogative; and when we have found the Prerogative, it must be measured by what the Publick Good will bear, and not by what the Absoluteness of the Prerogative will admit: For no Prerogative can be used that is against the frame of the government, or the publick good. Interpretations of Law therefore ought rather to favour Liberty and Property than Prerogative; because the benefiting of the Subject comes nearer to the End of the government, than the excessive Honouring the Prince. Honorary Prerogatives are in their Degree necessary, and not superfluous; there must be something to maintain the Reverence of Magistrates, but they ought to give way to publick Interest; and the rest are nothing but powers placed in the King to do good with, and not good or ill as he pleases. A Prerogative therefore cannot destroy a Law, but it may supply its Defects, pardoning a Condemn'd Innocent, or a hopeful penitent, or dispensing with a Law, to one, that by particular Accident, the Law in its Rigour would undo: But no Prerogative can impower the King to destroy the peoples liberty or property. That dispensing power, that like a State *Opium*, casts all the Laws asleep, and is an Engine of publick Mischief, is no Prerogative belonging to the Crown of *England*, but a Vice that does not belong to it. For it brings guilt upon the King, and damage upon the Subject, and is a real diminution of the Dignities of the Crown: For it, and such like, serve only to Impower the King to do Mischief with security; that is, they give an Immunity from punishment, but not from guilt. As suppose the King by such a claimed Prerogative, should shut up all the Courts of Justice, so that none should be had; he might be free from punishment, but not from guilt; he is clear by Necessity only, not by Right; the Case Transcends the Frame of the government, none can Judge him that has neither Equals nor Superiors, and so he escapes; because he cannot be punished, not because he deserves it not. Thus the pretended Prerogative bespatters him, and so leaves him.

Obj. 13. *But it is against the Supremacy; for the Supreme ought to have the Supreme credit, both in judging what is Law, and what is for the Publick Good.*

*Ans.* As the King is Supreme in the Executive part, so the Parliament have a share in the Legislative, which I take to be the very Apex of Supremacy, and therefore they ought to have their share in interpreting Laws as well as the King, or his Judges; because none knows the meaning so well as the Makers, if they be alive; and if they be dead, none knows the publick Necessities so well; none so unlikely to deceive, or be deceived, being so numerous; none likely to be so faithful, and so unlikely to be corrupted, having so great an interest in the publick good; none like to be so effectual in working a compliance in the Peoples hearts, seeing it is in effect their own Determination: But yet they cannot do it without the King, for that would place his Parliament above himself.

The King indeed is Supreme in the Legislative part as well as in the Executive part, but he has not the whole Supremacy in the Legislative part as he has in the Executive: He is the Head of that Body in which it rests, but the Power (like the Soul of Man) is in the whole Body, though most eminently in the Head. The Parliament have their Existence, but not their Essence from him. When they are called together, they Act by a proper and inherent Right of their own, and not by the King's Commission and Direction. It may be good Manners to fall upon what he directs them to first, but if any thing of greater Moment require dispatch, they must wave a Complement to do a real kindness to the publick Interest; which they could not do, were they his Commissioners, and received their power to act by from him: It is unnatural for the Stream to stop the Fountain head. But seeing they act by their own inherent Power, when met, they can restrain in the King that he cannot make a Law without them, or give such an interpretation of any, either by himself or his Judges, as shall bind the Subjects to follow, or is not Reverfible in Parliament; for such Interpretation is  
part



part of the Legislative power, and that rests in the King and Subjects Conjointly. Had the King Authority to bind his Interpretations for Law upon the Subject, he might at Pleasure elude any Law, and Law would be but a Sconce for Arbitrary power. The Opinion indeed of the Judges is reverend, but not irreversible. None can finally bind an Interpretation on the Subject but those that can make Law: Therefore if the King and Parliament differ about the sense of a Law, it is not legally decided till both agree in one sense. But that sense that is really for the publick good has the Right of a Law, though not the Form, and they that justifie such an Interpretation, are justifiable by the Law of Nature; for though it transcend the process of Courts, and cannot have the force of a political Law, yet Reason (Mankinds prime Law) justifies Men to prefer a publick good before a private Interest; and what is for the publick good, they that feel are best able to Judge.

Obj. 14. *But it is Disobedience.*

*Ans.* Disobedience to a Lawful Command is a grievous Crime, and a great Sin; but it may be a great duty to disobey an unlawful Command. Obedience is due as far as the Law requires, and something farther; a particular person must suffer rather than the Honour and Majesty of the Prince should be brought into Contempt; for though the Law does not bind to this, yet Conscience and Reason do, the publick Interest must be promoted; Scandal prevented, and the Government secured from Contempt, though it prejudice some particular person; for such Contempt may arise from a just refusal of Obedience in some small and single Instances, and may be of worse consequence to the publick than a private Injury, but if the thing commanded tend to destroy the Government, or introduce a general Calamity, Disobedience becomes a Duty, and such commands (in this government) are morally, politically, and divinely powerless; and the Disobedient, in such a Case, does the King as good Service, as he that discovers Treason; for he gives him Notice that his Foot is entering into a Snare, and that his preservation stands in desisting, and repenting if he would but heed it: And if the Disobedience be once good, the higher it goes the better it is continuing still good; it is absurd to go from good to worse extensively. Disobedience that is good, is still better as it is more likely to prevent the Evil: And then Disobedience defensive, is doubtless better than passive; for that would introduce the Evil Voluntarily, that is, they that were not willing to do it themselves, were yet willing to let others do it; and how far that can clear them I see not. For though it is not a downright consenting to subvert the Government, yet it is a consenting that it shall be done, rather than they will run the hazard to defend it, or prevent it; which is but *Pilate-like*, to wash the Hands of what their Hearts tell them they are Accessary to.

Obj. 15. *But War is hurtful to the State.*

*Ans.* The Arm that is broke cannot set it self, nor can he that sets it, set it by any Natural Power derived, from the Spirit; but by a Violent disturbing them again, the Bone-setter is often forced to pull them further asunder ere he can joyn them well; and so it is when Wicked Men have disjoyned and broken the Bones of State, the languishing Law cannot restore it self; nor can those that seek to restore it, restore it without doing Violence to its broken part; but it is better to do that Violence than to let them grow Crooked or Gangreen. He that has taken Poyson must suffer the Violence of a Vomit; and they that are Sick must be made Sicker oft before they can be made Well. The prejudice therefore the Government receives, by those that go about to restore it, does no more denominate them Enemies to the State than the little griping of Physick can denominate Physicians Enemies to Nature. The Evil proceeds from the Disease, not the Remedy, and the Guilt is upon them that gave the Wound not those that dress it; all the Anguish and Smart that follows the Skillful Chirurgeons Hand, is not to be attributed to the Chirurgeon, but to the wicked Assassine; and therefore though this Restoration have the Evil of a Civil War, yet the Guilt of all that Evil lies upon the Causers. Men are not bound to lose their Right for fear of harming Wicked Men, nor to save a less Good, by losing a greater; a short Evil is to be chosen rather than a perpetual one: Men had better drudge to preserve their own Freedom, than to enter into Bondage to drudge for others; and the Patriots of our Country do well to bear the Burthen of a War, rather than to become Slaves themselves, and leave Popery, Beggary, and Slavery to their Posterity.

Obj. 16.

Obj. 16. *But it is an unsafe and dangerous Medicine, it opens a Gap to the People to rebel at Pleasure, and may indanger the change of the Government.*

*Answ.* A desperate Disease must have a desperate Cure; but doing right can no way open to do wrong; resisting illegal Forces, is hedging up a Gap, not making one. Railing of Men to take a Felon, will not excite the same Men to rise and seize an honest Man. We must not therefore forbear to take up Arms in a just Cause, lest it should encourage others to take up Arms in a bad Cause; for then some that were breaking the Peace, and would not be quieted with Words, might not be resisted, lest it should teach the People to break the Peace; but Blows bestowed on such Malefactors is no breach of Peace, and therefore can teach the People no such thing; if they do ill by that Example it is not long of the Copy, but of those that do not heed to write by it.

2. I know Men in Passion, and heightened with Success, and back'd with Strength, are apt to soar with high, and fall in love with new Inventions. But this hazard must be run, rather than a certain change admitted. Resisting Illegalities, and Misgovernment, is the way to preserve Government; and as long as the King is safe, and his just Power and Prerogatives, the Government is in no danger; and there is not the least Colour imaginable that those that have surrendered their Offices and Honours, the Court and the King's Favour, for preserving the Government, and are now ready to hazard their Lives in defence of it, will ever alter it: No, their design is to preserve it; a greater Evidence of which they could not give at present than to petition for a Free Parliament.

Obj. 17. *But this casts dirt upon the Frame of the Government, leaving room for perpetual quarrelling.*

*Answ.* 1. Neither this, nor any other Government that I know of, affords absolute means of Peace and Preservation: The Government is effectual enough so far as it reaches, but it is not extensive enough. If the Monarch were Arbitrary, then no Cause could introduce Resistance; the Nation might be at Peace, but the Subjects could not be safe, and Liberty and Property would be lost: Therefore if Safety, Liberty and Property be worth the preserving, they must be defended when wicked Men would wrest them from us. The Constitution of this Government is such, That if the King and Parliament, or the King and the Subjects differ about Fundamental Rights, they have no way to reconcile the Difference but by their own Consent. If the King without the Parliament could determine the Difference, he would be Arbitrary; and if the People, or the Parliament, could determine it without him, they would be Supream, and then it could be no Monarchy; and if the Judges had the determining Power, they would get the Supremacy from both; and if a Foreigner were to decide the Matter, he would seek his own Advantage; so that they must either condescend for Peace sake to one anothers Proposals, so as not to destroy the Government, or they must suffer the Grievance, and let the Quarrel fall for a time, till the injurious can be worn to a compliance, or they must fight it out; for that is their going to Law, the Souldiers are their Jury-men, and Victory is their Verdict. For the Question is not about breach of Government, but whether that be the Government, or no; and seeing this Cause transcends the executive Part of the Government, it cannot be decided by Legal Progress, but by Law-makers; and if they cannot agree, Men are at liberty to join with that side they judg in the right: Reason and Conscience must be their Guide, the Law cannot, and they that proceed on this ground are their own Warrants on either side, for neither have a Legal Power to determine the other: Therefore the Power of Judging is neither Authoritative nor Civil, and so argues no Superiority in those that judg, but only a Power residing in reasonable Creatures, or judging of their own Act, of which they never were devested by any lawful Authority, and therefore may lawfully use upon such Occasions; and though the Government does not Warrant a Civil War, in such a case, yet the End and Reason of this Government does. For it being fram'd to prevent the exorbitant Power of the Prince, for the publick Good; he that fights for the publick Good, against an Usurped Power, or an Arbitrary Invader of the Governments Rights, is justified by the design and intendment of the Frame, and consequently by the Equity of the Government, though not by any prescribed Form. For seeing many things are morally honest and profitable, that are not reduced into positive Laws, Men cannot proceed to those things (if at any time they become necessary) by prescribing Forms of Law, because they have none; and so, in this case, the Question being not about Breach of Law, but what is Law. And the Law not able to satisfy both King and People, each claiming contrary Rights from the same Laws, the Decision of this Case, though it be very good and profitable for this Nation, yet has no pre-

scribed form of Law to direct us to; and therefore both King and People are to proceed according to moral Honesty, to the end of the Government, that is, the publick Good.

The Conclusion of all which, is, That seeing resisting of Illegal and Arbitrary Forces, in defence of the Laws and Publick Interest of the Land, is not against the Scriptures, and consequently no Sin; nor against moral Honesty, and consequently no Crime (not against Law but Law-breakers; not against true Allegiance, or any Prerogative of the Crown, no Rebellion, no Usurpation: of the Sword, nor Criminal Disobedience, and not incommodious or unsafe for the Publick, in respect of the impendant Injuries and Hazards it removes) nor inconsistent with the Frame of Government, which cannot otherwise decide an obstinate Difference betwixt King and People. I cannot but conclude it is a very worthy and virtuous Act to be in Arms for defence of the Laws, the King's just Rights, and the Publick Good; and consequently that those Gentlemen, who are in Arms for defence of our Laws, Liberties, and Lives, against Illegal Forces, Arbitrary Commands, and Usurped Powers, are in a virtuous Post. For if the Subjects Right might not be defended by this means, it would be all lost; it being all one, in these days, to have no Right, and to have no sufficient means to defend it. The Doctrine of Non-resistance plainly puts all we have into an ill King's hands, and the good Ones will scarce part with what they are apt to love so dearly, and we parted with so freely; should we therefore preach this Doctrine to our Princes, and tell them that they might take what we have without danger or opposition, we should teach them to try our Patience: if all must be referr'd to their Consciences, they will soon (without the help of a Jesuit) find cause enough and cause enough to secure that, and leave the examination of them to the latter Day; hatred of our Persons, love of our Estates, disgust at our Words or Actions, or dislike of our Religion, will soon judge us unworthy of our Liberty and Property, as well as it has already done of our Offices, Honours, and Preferments: Passion and Scorn, Pride and Ambition, Covetousness and Prodigality, would all prey upon what we had, with a quiet (though not with a good) Conscience; but especially if the King were poor and necessitous, either by wilful Profuseness or Negligence: for Nature would even tell him in such a Case, That we had all better want than he, and then farewell Property; the worst you could do him, was but to pet and cry a bit, and perhaps that might become a Pleasure to him too; and then you had nothing to rest on, but that God would give you the Kingdom of Heaven, for begging your selves, impoverishing the Church, and giving what you had to the Devil's Service; an ill Ground for such costly Hopes to stand upon.

This Doctrine renders Government prejudicial to the greatest part of Mankind, depriving them of all just Defence: For the illegal Force bars them of legal Defence; and the Doctrine of Non-resistance bars them of Corporal, and so Man (under one of the best Governments in the World) is left naked in the midst of Savage Beasts, (for *homo lupus*) and must not, though he be able, make any defence for himself. Thus all the Rights of Society and Nature, are sacrificed to the Lust and Age of a wicked King, and his evil Instruments; and the Body Politick is really in a worse Condition than an unlimited Multitude, for they may defend themselves (if they will) against any Enemy; but these have an Enemy, and may not defend themselves, though in never so just a Cause; and what is worst of all, must hold their own Hands whilst others cut their Throats.

Lastly, This Doctrine would make all Monarchs Arbitrary Monarchs, and a like in effect; for if the Subjects may not (nor ought if they were able) resist the Prince any further than by refusing to join with him, then he were Arbitrary, and might do what he pleas'd without opposition, he had but a Moral Restraint, and the most absolute Monarch had that upon him; and all Limitations in the Fundamentals of Government would be idle and superfluous, because they contained only such Rights as others might take from us at pleasure, and we might not defend or oppose. But the end of limited Monarchies is, not that the Monarch might not lawfully or rightfully oppress; for an Arbitrary Monarch is bound to all that: but the end of all Limitations in Government, is, That the Prince may want Means as well as Right to oppress, that he may not be able to injure the Subject at all, either lawfully or unlawfully; they are limited to govern by Laws, that they may want Means as well as Right to include the Subjects Property. But the Doctrine of Non-resistance give them Means for a Temptation, and is indeed but a fair Bait to draw them into a Snare.



*An Enquiry into the Measures of Submission to the SUPREAM AUTHORITY: And of the Grounds upon which it may be lawful or necessary for Subjects to defend their Religion, Lives and Liberties.*

**T**His Enquiry cannot be regularly made, but by taking in the first place, a true and full view of the Nature of *Civil Society*, and more particularly of the Nature of *Supream Power*, whether it is lodged in one or more Persons?

I. It is certain, that the Law of Nature has put no difference nor subordination among Men, except it be that of Children to Parents, or of Wives to their Husbands; so that with relation to the Law of Nature, all Men are born free: and this Liberty must still be supposed entire, unless so far as it is limited by Contracts, Provisions and Laws. For a Man can either bind himself to be a Slave, by which he becomes in the power of another, only so far as it was provided by the Contract: since all that Liberty which was not expressly given away, remains still entire: so that the Plea for Liberty always proves it self, unless it appears that it is given up or limited by any special Agreement.

II. It is no less certain, that as the light of Nature has planted in all Men a natural Principle of the Love of Life, and of a Desire to preserve it; so the common Principles of all Religion agree in this, that God having set us in this World, we are bound to preserve that Being, which he has given us, by all just and lawful Ways. Now this Duty of Self-preservation, is exerted in Instances of two sorts; the one are, in the resisting of violent Aggressors; the other are the taking of just Revenges of those, who have invaded us so secretly, that we could not prevent them, and so violently, that we could not resist them: In which Cases the Principle of Self-preservation warrants us, both to recover what is our own, with just Damages, and also to put such unjust Persons out of a capacity of doing the like Injuries any more, either to our selves, or to any others. Now in these Instances of Self-preservation, this difference is to be observed; that the first cannot be limited by any slow Forms, since a pressing Danger requires a vigorous Repulse, and cannot admit of Delays; whereas the second, of taking Revenges, or Reparations, is not of such haste, but that it may be brought under Rules and Forms.

III. The true and Original Notion of *Civil Society* and *Government*, is, that it is a Compromise made by such a Body of Men, by which they resign up the right of demanding Reparations, either in the way of Justice against one another, or in the way of War against their Neighbours, to such a single Person, or to such a Body of Men as they think fit to trust with this. And in the management of this *Civil Society*, great distinction is to be made, between the Power of making Laws for the Regulating the Conduct of it, and the Power of Executing those Laws: The *Supream Authority* must still be supposed to be lodged with those who have the Legislative Power reserved to them; but not with those who have only the Executive; which is plainly a *Trust*, when it is separated from the Legislative Power; and all Trusts, by their Nature import, that those to whom they are given, are accountable, even though it should not be expressly specified in the words of the *Trust* it self.

IV. It cannot be supposed by the Principles of Natural Religion, that God had authorized any one Form of Government, any other way than as the general Rules of Order, and of Justice, oblige all Men not to subvert Constitutions, nor disturb the Peace of Mankind, or invade those Rights with which the Law may have vested some Persons; for it is certain, that as private Contracts lodg or translate private Rights, so the publick Laws can likewise lodg such Rights, Prerogatives, and Revenues, in those, under whose Protection they put themselves, and in such a manner, that they may come to have as good a Title to these, as any private Person can have to his Property: so that it becomes an Act of high Injustice and Violence, to invade these; which is so far a greater Sin than any such Actions would be against a private Person; as the publick Peace and Order is preferable to all private Considerations whatsoever. So that in truth, the Principles of natural Religion, give those that are in Authority no Power at all, but they do only secure them in the possession of that which is theirs by Law. And as no Considerations of Religion can bind me to pay another more than I indeed owe him, but do only bind me more strictly to pay what I owe; so the Considerations of Religion do indeed bring Subjects under stricter Obligations to pay all due Allegiance and Submission to their Princes, but they do not at all extend that Allegiance further than the Law carries it. And though a Man has no  
divine

divine Right to his Property, but has acquired it by human Means, such as Succession, or Industry, yet he has a security for the Enjoyment of it from a Divine Right; so though Princes have no immediate Warrants from Heaven, either for their original Titles, or for the extent of them, yet they are secured in the possession of them by the Principles and Rules of Natural Religion.

V. It is to be considered, that as a private Person can bind himself to another Man's Service, by different Degrees, either as an ordinary Servant for Wages, or as one appropriate for a longer time, as an Apprentice; or by a total giving himself up to another, as in the case of Slavery: In all which Cases the general Name of *Master* may be equally used; yet the Degrees of his Power are to be judged by the Nature of the Contract: so likewise Bodies of Men can give themselves up in different Degrees, to the Conduct of others: and therefore, though all those may carry the same name of *King*, yet every ones Power is to be taken from the Measures of that Authority which is lodged in him, and not from any general Speculations founded on some equivocal Terms, such as *King*, *Sovereign*, or *Supream*.

VI. It is certain, that God, as the Creator and Governour of the World, may set up whom he will, to rule over other Men: But this Declaration of his Will, must be made evident by Prophets, or other extraordinary Men sent of him, who have some manifest Proofs of the Divine Authority that is committed to them on such Occasions; and upon such Persons declaring the Will of God, in favour of any others, that Declaration is to be submitted to, and obeyed. But this pretence of a Divine Delegation, can be carried no further than to those who are thus expressly marked out, and is unjustly claimed by those who can prove no such Declaration to have been ever made in favour of them, or their Families. Nor does it appear reasonable to conclude from their being in possession, that it is the Will of God that it should be so, this justifies all Usurpers when they are successful.

VII. The Measures of Power, and by consequence of Obedience, must be taken from the express Laws of any State, or Body of Men: from the Oaths that they swear, or from immemorial Prescription, and a long Possession, which both give a Title, and in a long tract of Time make a bad one become good, since Prescription when it passes the Memory of Man, and is not disputed by any other Pretender, gives by the common sense of all Men a just and good Title. So upon the whole matter, the Degrees of all Civil Authority, are to be taken either from express Laws, immemorial Customs, or from particular Oaths, which the Subjects swear to their Princes: this being still to be laid down for a Principle, that in all the Disputes between *Power* and *Liberty*, *Power* must always be proved, but *Liberty* proves it self; the one being founded only upon positive Law, and the other upon the Law of Nature.

VIII. If from the general Principles of human Society, and natural Religion, we carry this matter to be examined by the Scriptures; it is clear that all the Passages that are in the *Old Testament*, are not to be made use of in this matter, of neither side. For as the Land of *Canaan* was given to the Jews by an immediate Grant from Heaven, so God reserved still this to himself, and to the Declarations that he should make from time to time, either by his Prophets, or by the Answers that came from the Cloud of Glory that was between the Cherubims, to set up Judges or Kings over them, and to pull them down again as he thought fit. Here was an express Delegation made by God, and therefore all that was done in that Dispensation, either for or against Princes, is not to be made use of in any other State, that is founded on another Bottom and Constitution, and all the Expressions in the *Old Testament* relating to Kings, since they belong to Persons that were immediately designed by God, are without any sort of Reason applied to those, who can pretend to no such designation, neither for themselves nor for their Ancestors.

IX. As for the *New Testament*, it is plain, that there are no Rules given in it, neither for the Forms of Government in general, nor for the Degrees of any one Form in particular; but the general Rules of Justice, Order and Peace, being established in it upon higher Motives, and more binding Considerations, than ever they were in any other Religion whatsoever, we are most strictly bound by it, to observe the Constitution in which we are; and it is plain, that the Rules set us in the Gospel, can be carried no further. It is indeed clear from the *New Testament*, that the Christian Religion, as such, gives us no grounds to defend or propagate it by force. It is a Doctrine of the Cross, and of Faith, and Patience under it: And if by the Order of Divine Providence, and of any Constitution of Government, under which we are born, we are brought under Sufferings for our professing of it, we may indeed retire and fly out of any such Country, if we can; but if that is denied us, we must then according to this Religion, submit to those Sufferings under which we may be brought, considering that

that God will be glorified by us in so doing, and that he will both support us under our Sufferings, and gloriously reward us for them.

This was the State of the Christian Religion, during the three first Centuries, under Heathen Emperors, and a Constitution in which *Paganism* was established by Law. But if by the Laws of any Government, the Christian Religion, or any Form of it, is become a part of the Subjects Property, it then falls under another Consideration, not as it is a *Religion*, but as it is become one of the principal Rights of the Subjects, to believe and profess it: and then we must judge of the Invasions made on that, as we do of any other Invasion that is made on our other Rights.

X. All the Passages in the *New Testament* that relate to Civil Government, are to be expounded as they were truly meant, in opposition to that false Notion of the Jews, who believed themselves to be so immediately under the Divine Authority, that they could not become the Subjects of any other Power; particularly of one that was not of their Nation, or of their Religion; therefore they thought they could not be under the Roman Yoke, nor bound to pay Tribute to *Cesar*, but judged that they were only subject out of fear, by reason of the force that lay on them, but not for Conscience sake: and so in all their dispersion, both at *Rome* and elsewhere, they thought they were God's Freemen, and made use of this pretended Liberty as a cloak of Maliciousness. In opposition to all which, since in a course of many Years they had asked the Protection of the Roman Yoke, and were come under their Authority, our Saviour ordered them to continue in that, by his saying, *Render to Cesar that which is Cesar's*; and both *St. Paul* in his Epistle to the *Romans*, and *St. Peter* in his General Epistle, have very positively condemned that pernicious Maxim; but without any formal Declarations made of the Rules or Measures of Government. And since both the People and Senate of *Rome* had acknowledged the Power that *Augustus* had indeed violently usurped, it became Legal when it was thus submitted to, and confirmed both by the Senate and People: and it was established in his Family by a long Prescription, when those Epistles were writ: so that upon the whole matter, all that is in the *New Testament* upon this Subject, imports no more, but that all Christians are bound to acquiesce in the Government, and submit to it, according to the Constitution that is settled by Law.

XI. We are then at last brought to the Constitution of our *English Government*; so that no general Considerations from Speculations about Sovereign Power, nor from any Passages either of the *Old* and *New Testament*, ought to determin us in this matter; which must be fixed from the Laws and Regulations that have been made among us. It is then certain, that with relation to the executive Part of the Government, the Law has lodged that singly in the King, so that the whole Administration of it is in him: but the Legislative Power is lodged between the King and the Two Houses of Parliament; so that the Power of making and repealing Laws, is not singly in the King, but only so far as the Two Houses concur with him. It is also clear, that the King has such a determined extent of Prerogative, beyond which he has no Authority: as for instance, if he levies Money of his People, without a Law impowring him to it, he goes beyond the Limits of his Power, and asks that to which he has no right: so that there lies no obligation on the Subject to grant it; and if any in his Name use Violence for the obtaining it, they are to be looked on as so many Robbers, that invade our Property, and they being violent Aggressours, the Principle of Self-preservation seems here to take place, and to warrant as violent a Resistance.

XII. There is nothing more evident, than that *England* is a free Nation, that has its Liberties and Properties reserved to it by many positive and express Laws: if then we have a right to our Property, we must likewise be supposed to have a right to preserve it: for those Rights are by the Law secured against the Invasions of the Prerogative, and by consequence we must have a right to preserve them against those Invasions. It is also evidently declared by our Law, that all Orders and Warrants that are issued out in opposition to them, are null of themselves; and by consequence, any that pretend to have Commissions from the King, for those ends, are to be considered as if they had none at all: since those Commissions being void of themselves, are indeed no Commissions in the Construction of the Law; and therefore those who act in virtue of them, are still to be considered as private Persons who come to invade and disturb us. It is also to be observed, that there are some Points that are justly disputable and doubtful, and others that are so manifest, that it is plain that any Objections that can be made to them, are rather forced Pretences, than so much as plausible Colours. It is true, if the Case is doubtful, the Interest of the publick Peace and Order, ought to carry it; but the Case is quite different when the Invasions that are made upon Liberty and Property, are plain and visible to all that consider them.



XIII. The main and great Difficulty here, is, that though our Government does indeed assert the *Liberty of the Subject*, yet there are many express Laws made, that lodge the Militia singly in the King, that make it plainly unlawful upon any pretence whatsoever, to take Arms against the King, or any commissioned by him: And these Laws have been put in the form of an Oath, which all that have born any Employment either in Church or State have sworn and therefore those Laws, for the assuring our Liberties, do indeed bind the King's Conscience, and may affect his Ministers: yet since it is a Maxim of our Law, that the King can do no wrong, these cannot be carried so far as to justify our taking Arms against him, be the Transgressions of Law ever so many and so manifest. And since this has been the constant Doctrine of the Church of *England*, it will be a very heavy Imputation on us, if it appears, that though we held those Opinions as long as the Court and the Crown have favoured us, yet as soon as the Court turns against us, we change our Principles.

XIV. Here is a true Difficulty of this whole Matter, and therefore it ought to be exactly considered: 1. All general Words, how large soever, are still supposed to have a tacit exception, and reserve in them, if the Matter seems to require it. Children are commanded to obey their Parents in all things: Wives are declared by the Scripture to be subject to their Husbands in all things, *as the Church is unto Christ*: And yet how comprehensive soever these Words may seem to be, there is still a reserve to be understood in them; and though by our Form of Marriage, the Parties swear to one another *till Death them do part*, yet few doubt but that this Bond is dissolved by Adultery, though it is not named: for odious things ought not to be suspected, and therefore not named upon such Occasions: But when they fall out, they carry still their own force with them. 2. When there seem to be a Contradiction between two Articles in the Constitution, we ought to examine which of the two is the most evident, and the most important, and so we ought to fix upon it, and then we must give such an accommodating sense to that which seems to contradict it, that so we may reconcile those together. Here then are two seeming Contradictions in our Constitution: The one is the *Publick Liberty* of the Nation; the other is the renouncing of all *Resistance*, in case that were invaded. It is plain, that our *Liberty* is only a thing that we enjoy at the King's Discretion, and during his Pleasure, if the other against all *Resistance* is to be understood according to the utmost extent of the Words. Therefore since the chief Design of our whole Law, and of all the several Rules of our Constitution, is to secure and maintain our Liberty, we ought to lay that down for a Conclusion, that it is both the most plain and the most important of the two: And therefore the other Article against *Resistance*, ought to be so softened, as that it do not destroy this. 3. Since it is by a Law that *Resistance* is condemned, we ought to understand it in such a sense, as that it does not destroy all other Laws: And therefore the intent of this Law, must only relate to the Executive Power, which is in the King, and not to the Legislative, in which we cannot suppose that our Legislators, who made that Law, intended to give up that, which we plainly see they resolved still to preserve entire, according to the Antient Constitution. So then, the not resisting the King, can only be applied to the Executive Power, that so upon no pretence of ill Administrations in the Execution of the Law, it should be lawful to resist him: but this cannot with any reason be extended to an Invasion of the *Legislative Power*, or to a total *Subversion of the Government*. For it being plain, that the Law did not design to lodge that Power in the King; it is also plain, that it did not intend to secure him in it, in case he should set about it. 4. The Law mentioning the King, or those Commissioned by him, shews plainly, that it only designed to secure the King in the Executive Power; for the word *Commission* necessarily imports this, since if it is not according to Law, it is no Commission; and by consequence, those who act in virtue of it, are not commissioned by the King in the Sense of the Law. The King likewise imports a Prince clothed by Law with the Regal Prerogative; but if he goes to subvert the whole Foundation of the Government, he subverts that by which he himself has his Power, and by consequence he annuls his own Power; and then he ceases to be King, having endeavoured to destroy that upon which his own Authority is founded.

XV. It is acknowledged by the greatest Assertors of Monarchical Power, that in some Cases a King may fall from his Power, and in other Cases that he may fall from the Exercise of it. His deserting his People, his going about to enslave, or sell them to any other, or a furious going about to destroy them, are in the opinion of the most Monarchical Lawyers, such Abuses, that they naturally divest those that are guilty of them, of their whole Authority. *Infancy or Phrenzy*, do also put them under the Guardianship of others. All the crowned Heads of *Europe* have, at least secretly, approved of the putting the late King of *Portugal* under a Guardianship, and the keeping him still Prisoner

Prisoner for a few Acts of Rage, that had been fatal to a very few Persons : And even our *Court* gave the first countenance to it, though of all others the *late King* had the most reason to have done it at least last of all ; since it justified a younger Brother's supplanting the Elder ; yet the evidence of the thing carried it even against Interest. Therefore if a King goes about to subvert the Government, and to overturn the whole Constitution, he by this must be supposed either to fall from his Power, or at least from the Exercise of it, so far as that he ought to be put under Guardians ; and according to the Case of *Portugal*, the next *Heir* falls naturally to be the Guardian.

XVI. The next thing to be considered, is to see in Fact whether the Foundations of this Government have been struck at, and whether those Errors, that have been perhaps committed, are only such Malversations, as ought to be imputed only to human Frailty, and to the Ignorance, Inadvertencies, or Passions to which all Princes may be subject, as well as other Men. But this will best appear if we consider what are the Fundamental Points of our Government, and the chief Securities that we have for our Liberties.

The Authority of the Law is indeed all in one word, so that if the King pretends to a Power to dispence with Laws, there is nothing left, upon which the Subjects can depend ; and yet as if Dispensing Power were not enough, if Laws are wholly suspended for all time coming, this is plainly a repealing of them, when likewise the Men in whose hands the Administration of Justice is put by Law, such as Judges and Sheriffs, are allowed to tread all Laws under foot, even those that infer an Incapacity on themselves if they violate them ; this is such a breaking of the whole Constitution, that we can no more have the Administration of Justice, so that it is really a Dissolution of the Government ; since all Trials, Sentences, and the Executions of them, are become so many unlawful Acts, that are null and void of themselves.

The next thing in our Constitution, which secures to us our Laws and Liberties, is a free and Lawful Parliament. Now not to mention the breach of the Law of Triennial Parliaments, it being above three years since we had a Session that enacted any Law, Methods have been taken, and are daily a taking, that render this impossible. Parliaments ought to be chosen with an entire Liberty, and without either Force or Preengagements : whereas if all Men are required beforehand to enter into Engagements how they will vote if they are chosen themselves, or how they will give their Voices in the Electing of others ? This is plainly such a preparation to a Parliament, as would indeed make it no Parliament, but a Cabal, if one were chosen, after all that Corruption of Persons, who had preengaged themselves ; and after the Threatning and Turning out of all Persons out of Employments who had refused to do it ; and if there are such daily Regulations made in the Towns, that it is plain those who manage them intend at last to put such a number of Men in the Corporations as will certainly chuse the Persons who are recommended to them. But above all, if there are such a number of Sheriffs and Mayors made over England, by whom the Elections must be conducted and returned, who are now under an Incapacity by Law, and so are no Legal Officers, and by consequence those Elections that pass under their Authority are null and void ; if, I say, it is clear that things are brought to this, then the Government is dissolved, because it is impossible to have a Free and Legal Parliament in this state of things. If then both the Authority of the Law, and the Constitution of the Parliament are struck at and dissolved, here is a plain Subversion of the whole Government. But if we enter next into the particular Branches of the Government, we will find the like Disorder among them all.

The Protestant Religion, and the Church of England, make a great Article of our Government, the latter being secured not only of old by *Magna Charta*, but by many special Laws made of late ; and there are particular Laws made in K. Charles the First, and the late King's time, securing them from all Commissions that the King can raise for Judging or Censuring them : if then in opposition to this, a Court so condemned is erected, which proceeds to judg and censure the Clergy, and even to disseise them of their Freeholds, without so much as the form of a Trial, though this is the most indispensable Law of all those that secures the Property of England ; and if the King pretends that he can require the Clergy to publish all his Arbitrary Declarations, and in particular, one that strikes at their whole Settlement, and has ordered Process to be begun against all that disobey'd this illegal Warrant, and has treated so great a number of the Bishops as Criminals, only for representing to him the Reasons of their not obeying him ; if likewise the King is not satisfied to profess his own Religion openly, though even that is contrary to Law, but has sent Ambassadors to Rome, and received Nuntios from thence, which is plainly Treason by Law ; if likewise many Popish Churches and Chappels have been publicly opened ;

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if several *Colledges of Jesuits* have been set up in divers parts of the Nation, and one of the Order has been made a Privy Counsellor, and a principal Minister of State; and if Papists, and even those who turn to that Religion, though declared Traitors by Law, are brought into all the chief Employments, both Military and Civil; then it is plain, That all the Rights of the *Church of England*, and the whole establishment of the *Protestant Religion* are struck at, and designed to be overturned; since all these things, as they are notoriously illegal, so they evidently demonstrate, That the great design of them all, is the rooting out of this *Pestilent Heresy*, in their stile, I mean the *Protestant Religion*.

In the next place, If in the whole Course of Justice, it is visible, that there is a constant practising upon the Judges, that they are turned out upon their varying from the Intentions of the Court, and if Men of no Reputation nor Abilities are put in their places; if an Army is kept up in time of Peace, and Men who withdraw from that illegal Service are hanged up as Criminals, without any colour of Law, which by consequence are so many Murders; and if the Souldiery are connived at, and encouraged in the most enormous Crimes, that so they may be thereby prepared to commit greater ones, and from single Rapes and Murders, proceed to a rape upon all our Liberties and a destruction of the Nation: if, I say, all these things are true in fact, then it is plain, that there is such a dissolution of the Government made, that there is not any one part of it left sound and entire; and if all these things are done now, it is easy to imagine what may be expected, when *Arbitrary Power* that spares no Man, and *Papery* that spares no Heretick, are finally established: Then we may look for nothing but Gabelles, Tailles, Impositions, Benevolences, and all sorts of illegal Taxes, as from the other we may expect Burnings, Massacres, and Inquisitions. In what is doing in *Scotland*, we may gather what is to be expected in *England*; where if the King has over and over again declared, that he is vested with an *Absolute Power*, to which all are bound to obey without reserve, and has upon that annulled almost all the Acts of Parliament that passed in K. *James* the 1st's Minority, though they were ratified by himself when he came to be of age, and were confirmed by all the subsequent Kings, not excepting the present. We must then conclude from thence, what is resolved on here in *England*, and what will be put in execution as soon as it is thought that the Times can bear it. When likewise the whole Settlement of *Ireland* is shaken, and the Army that was raised, and is maintained by Taxes, that were given for an Army of *English Protestants*, to secure them from a new Massacre by the *Irish Papists*, is now all filled with *Irish Papists*, as well as almost all the other Employments; it is plain, That not only all the *British Protestants* inhabiting that Island, are in daily danger of being butchered a second time, but that the Crown of *England* is in danger of losing that Island, it being now put wholly into the hands and power of the Native *Irish*, who, as they formerly offered themselves up sometimes to the Crown of *Spain*, sometimes to the Pope, and once to the Duke of *Lorraine*; so are they perhaps at this present treating with another Court for the sale and surrender of the Island, and for the Massacre of the *English* in it.

If thus all the several Branches of our Constitution are dissolved, it might be at least expected, that one part should be left entire, and that is the *Regal Dignity*, and yet even that is prostituted, when we see a young Child put in the reversion of it, and pretended to be the *Prince of Wales*; concerning whose being born of the *Queen*, there appear to be not only no certain Proofs, but there are all the Presumptions that can possibly be imagined to the contrary. No Proofs were ever given either to the *Princess of Denmark*, or to any other *Protestant Ladies*, in whom we ought to repose any Confidence that the *Queen* was ever with Child; that whole matter being managed with so much Mystriousness, that there were violent and publick Suspicions of it before the Birth. But the whole Contrivance of the Birth, the sending away the *Princess of Denmark*, the sudden shortning of the *Reckoning*, the *Queen's* sudden going to St. *James's*, her no less sudden pretended *Delivery*; the hurrying the Child into another Room without shewing it to those present, and without their hearing it cry; and the mysterious Conduct of all since that time; no satisfaction being given to the *Princess of Denmark* upon her Return from the *Bath*, nor to any other *Protestant Ladies*, of the *Queen's* having been really brought to bed. These are all such evident Indications of a base Imposture, in this matter, that as the Nation has the justest reason in the World to doubt of it, so they have all possible reason to be at no quiet till they see a *Legal and Free Parliament* assembled, which may impartially, and without either Fear or Corruption, examine that whole matter.

If all these Matters are true in fact, then I suppose no Man will doubt, that the whole Foundations of this Government, and all the most sacred Parts of it, are overturned. And as to the truth of all these Suppositions, that is left to every *Englishman's* Judgment and Sense.



*The Oaths of Allegiance and Supremacy no Badges of Slavery.*

**T**HE Ecclesiastical Jurisdiction of the Crown of *England*, having been invaded and broke in upon by the Power of the Court of *Rome*, in *K. Henry the Eighth's* time all Foreign Power was abolished, and the Antient Legal Supremacy restor'd, and by many additional Acts corroborated. But all that was done of that kind, in *K. Henry the Eighth's* time, was undone again in *Queen Mary's*; and therefore in the first Year of *Queen Elizabeth's* Reign, an Act of Parliament was made, Intituled, *All Antient Jurisdiction restored to the Crown. A Repeal of divers Statutes, and Reviver of others: and all foreign Power Abolished.* Which Act recites, that whereas in the Reign of *R. H. 8.* divers good Laws were made and established, as well for the utter extinguishment and putting away of all Usurped and Foreign Powers and Authorities out of this Realm, as also for restoring and uniting to the Imperial Crown of this Realm the antient Jurisdictions, Authorities, Superiorities, and Preheminences to the same of Rights belonging and appertaining; by reason whereof, the Subjects of this Realm were kept in good order, and disburthened of divers great and intolerable Charges and Exactions, until such time as all the said good Laws and Statutes by one Act of Parliament made in the first and second Years of the Reign of *King Philip and Queen Mary*, were clearly repealed and made void; by reason of which Act of Repeal, the Subjects of *England* were ofisoons brought under an usurped Foreign Power and Authority, and yet remained in that Bondage to their intolerable Charges; and then Enacts, that for the repressing of the said usurped Foreign Power, and the restoring of the Rights, Jurisdictions and Preheminences appertaining to the Imperial Crown of this Realm, The said Act made in the first and second Years of the said late *King Philip and Queen Mary* (except as therein is excepted) be repealed, void, and of none effect.

The said Act of *Primo Elizabethæ* proceeds, First, to revive by express words many Statutes that had been made in *King Henry the Eighth's* time, and repealed in *Queen Mary's*; and Secondly, to abolish all Foreign Authority in these words; [*viz.*] And to the intent that all Usurped and Foreign Power and Authority Spiritual and Temporal, may for ever be clearly extinguished, and never to be used or obeyed within this Realm, &c. May it please your Highness that it may be Enacted, That no Foreign Prince, Person, Prelate, State, or Potentate, Spiritual or Temporal, shall at any time after the last day of this Session of Parliament, use, enjoy, or exercise any manner of Power, Jurisdiction, Superiority, Authority, Preheminence or Priviledge, Spiritual or Ecclesiastical, within this Realm, &c. but the same shall be clearly abolished out of this Realm, &c. Any Statute, Custom, &c. to the contrary notwithstanding. Thirdly, The said Act restores, in the next Paragraph, to the Imperial Crown of this Realm, such Jurisdictions, Priviledges, Superiorities, &c. Spiritual and Ecclesiastical, as by any Spiritual or Ecclesiastical Power or Authority had heretofore been, or might lawfully be exercised or used, &c. Fourthly, the Act impowers the Queen to assign Commissioners to exercise Ecclesiastical Jurisdiction. And Fifthly, For the better observation and maintenance of this Act, imposes upon Ecclesiastical and Temporal Officers and Ministers, &c. the Oath, commonly call'd the Oath of Supremacy, which runs thus; (*viz.*)

## The Oath of SUPREMACY.

**I**A. B. do utterly testify and declare in my Conscience, that the Queen's Highness is the only Supream Governour of this Realm, and of all other her Highness's Dominions and Countries, as well in all Spiritual or Ecclesiastical Things and Causes as Temporal; and that no Foreign Prince, Person, Prelate, State, or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Preheminence or Authority, Ecclesiastical or Spiritual within this Realm; And therefore I do utterly renounce and forsake all Foreign Jurisdictions, Powers, Superiorities and Authorities, and do promise that from henceforth I shall bear Faith and true Allegiance to the Queen's Highness, her Heirs and lawful Successors; and to my Power shall assist and defend all Jurisdictions, Priviledges, Preheminencies and Authorities, granted or belonging to the Queen's Highness, her Heirs and Successors, or united and annexed to the Imperial Crown of this Realm. So help me God, and by the Contents of this Book.

It cannot but be obvious to every impartial Peruser of the Statute, especially if he have the least knowledge of what Condition the Government of this Nation was reduced to by Papal Encroachments and Usurpations, That the Makers of this Law, and the Sense of this *Oath*, was no other in general, than that the People of this Realm should bear Faith and true Allegiance, even in Matters relating to Ecclesiastical Jurisdiction to the Queen's Highness, her Heirs and lawful Successors, and not to the Pope or any foreign pretended Jurisdiction.

What the several Jurisdictions, Privileges, Preheminences and Authorities, granted or belonging to the Queen, her Heirs and Successors, are in particular; and what the Jurisdictions, Privileges, Preheminences and Authorities, United and Annexed to the Imperial Crown of this Realm, are in particular, is not material here to be discoursed of; though the several Statutes made in King Henry the Eighth's time, and King Edward the Sixth's, and revived in Queen Elizabeth's, will unfold many of them; and clear the distinction, which the OATH makes, betwixt Authorities granted or belonging to the King, and Authorities united and annexed to the Imperial Crown; and Mr. Prynne's History of the Pope's intolerable Usurpations upon the Liberties of the Kings and Subjects of England and Ireland; together with Sir Roger Twissden's Historical Vindication of the Church of England in point of Schism, will in a great measure acquaint the Curious how matters stood with us here, with respect to Church-Government, before the Pope had wrested the Ecclesiastical Jurisdiction almost wholly out of the hands of our Kings, our Parliaments and Courts of Justice. In short, those Jurisdictions, &c. are such, as the Antient Laws, Customs, and Usages of the Realm, or latter Acts of Parliament have Created, Given, Limited and Directed.

The Makers of this Law did not design to impose upon the People of England any new Terms of Allegiance, but to secure the old ones, exclusive of any Pretences of the Pope or See of Rome.

Nor are there any words in this Oath more strong, more binding to Duty and Allegiance, than are words which the old Oath of Fealty is conceived in; which all Men were antiently obliged, and may yet be required to take to the King in the Court-Leet at twelve years of Age; which runs thus; (*viz.*)

*You shall swear that from this day forward you shall be true and faithful to our Sovereign Lord King James and his Heirs: And Faith and Truth shall bear of Life and Limb, and terrene Honour. And you shall not know nor bear of any ill or damage intended to him, that you shall not defend. So help you Almighty God.*

This is as full and comprehensive, as the Oath of Supremacy; I do promise that I shall bear faith and true Allegiance to the Queen's Highness, her Heirs and lawful Successors, and to my power shall assist and defend all Jurisdictions; &c. So that the true sense and meaning of the Oath of Supremacy, is this; *viz.* I will be true and faithful to our Sovereign Lord the King, his Heirs and lawful Successors, and will to my Power assist and defend all his Rights, notwithstanding any pretence made by the Pope or any other Foreign Power to exercise Jurisdiction within the Realm, all which Foreign Power I utterly renounce in Matters Ecclesiastical as well as Temporal.

The Oath of Allegiance is appointed by the Act of 3 Jac. 1. Chap. 4. Intituled, *An Act for discovering and repressing of Popish Recusants.* It recites the daily Experiences that many of his Majesty's Subjects, that adhere in their Hearts to the Popish Religion, by the Infection drawn from thence, by the wicked and devilish Counsel of Jesuits, Seminaries, and other like Persons dangerous to the Church and State, are so far perverted in the point of their Loyalties and due Allegiance to the King's Majesty, and the Crown of England, as they are ready to entertain and execute any Treasonable Conspiracies and Practices: And for the better Trial how his Majesty's Subjects stand affected in point of their Loyalties and due Obedience, Enacts, that it shall be lawful for any Bishop in his Diocese, or any two Justices of the Peace, whereof one to be of the Quorum, within the Limits of their Jurisdiction, out of the Session, to require any Person of the age of eighteen Years or above, which shall be convict or indicted of Recusancy, other than Noblemen, &c. or which shall not have received the Sacrament twice within the Year then next past, or any Person passing in or through the Country, unknown, that being examined upon Oath shall confess, or not deny him or her self to be a Recusant, and to take the Oath therein after expressed; *viz.* &c. The Oath of Allegiance.

So that by the occasion of imposing the *Oath*, and by the appointing it to be tendered only to Papists or suspected Papists, it is apparent that the Design of the Law-makers was to detect such Persons as were perverted, or in danger to be perverted in their Loyalty, by Infection drawn from the *Popish Religion*.

The form of the *Oath* makes it yet more evident, being wholly levell'd against any Opinion of the Lawfulness of deposing the King, or practising any Treason against him, upon pretence of his being excommunicated or deprived by the Pope, and against any Opinion of the Pope's Power to discharge Subjects from their Oaths of Fidelity to their Princes. It runs thus; viz.

*I A. B. Do truly and sincerely profess, testify and declare in my Conscience before God and the World, that our Sovereign Lord King James, is lawful and rightful King of this Realm, and of all his Majesty's Dominions and Countries: And that the Pope, neither of himself, nor by any Authority of the Church or See of Rome, or by any other means, with any other, hath any Power or Authority to depose the King, or to dispose any of his Majesty's Kingdoms or Dominions, or to authorize any Foreign Prince to invade or annoy him, or his Countries, or to discharge any of his Subjects of their Allegiance or Obedience to his Majesty, or to give licence or leave to any of them to bear Arms, raise Tumults, or to offer any Violence or Hurt to his Majesty's Royal Person, State or Government, or to any of his Majesty's Subjects within his Majesty's Dominions.*

*Also I do swear from my Heart, that notwithstanding any Declaration or Sentence of Excommunication, or Deprivation made or granted, or to be made or granted by the Pope or his Successors, or by any Authority derived or pretended to be derived from him or his See, against the said King, his Heirs and Successors, or any Absolution of the said Subjects from their Obedience, I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my Power against all Conspiracies and Attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by reason or colour of any such Sentence or Declaration, or otherwise; and will do my best endeavour to disclose and make known unto his Majesty, his Heirs and Successors, all Treasons and traitorous Conspiracies, which I shall know or hear of to be against him, or any of them.*

*And I do further swear, that I do from my Heart abhor and detest and abjure, as impious and heretical, this damnable Doctrine and Position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subjects, or any other whatsoever.*

*And I do believe, and in Conscience am persuaded, that neither the Pope nor any Person whatsoever, hath Power to absolve me of this Oath, or any part thereof, which I acknowledge by good and lawful Authority to be lawfully administered unto me, and I do renounce all Parsons and Dispensations to the contrary. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common Sense and Understanding of the same words, without any Equivocation, or mental Evasion, or secret Reservation whatsoever. And I do make this Recognition and Acknowledgment heartily, willingly and truly, upon the true Faith of a Christian. So help me God.*

*And the Statute of 7 Jacobi cap. 6. recites; 'that Whereas by a Statute made in the third Year of the said King's Reign, the form of an Oath to be ministered and given to certain Persons in the same Act mentioned, is limited and prescribed, tending only to the Declaration of such Duty as every true and well affected Subject, not only by bond of Allegiance, but also by the Commandment of Almighty God, ought to bear to the King, his Heirs and Successors; Which Oath such are infected with Popish Superstition do oppugne with many false and unsound Arguments, the just defence whereof the King had therefore undertaken and worthily performed, to the great contentment of all his Subjects, notwithstanding the Gainsayings of Contentious Adversaries. And to shew how greatly the King's Loyal Subjects do approve the said Oath, they beseech his Majesty, that the said Oath be administered to all his Subjects.*

The Pope, and Authority of the See of Rome, run through the first Paragraph; Notwithstanding any Declaration, or Sentence of Excommunication, &c. Governs the second Paragraph: Excommunicated and deprived the Pope are the material words in the third Paragraph. The fourth is added in *Majorem cautelam*, in opposition to the Popish Doctrine of Dispensing with Oaths, Absolving Subjects from their Allegiance, Equivocations, Mental Evasions, &c.



So that as the *Oath of Supremacy* did but enforce the *Antient Oath of Fealty*, with an acknowledgment of the Queen's supream Authority in Ecclesiastical Causes and things, as well as Temporal, and a Renunciation of all Foreign Jurisdictions; so the *Oath of Allegiance* does but enforce the same old *Oath of Fealty*, by obliging the Subjects of *England* expressly to disown any lawful Authority in the Pope or See of *Rome* to depose, invade or annoy the King, his Dominions or Subjects. And notwithstanding any Sentence of Excommunication, Deprivation, &c. by the Pope, &c. to bear Faith and true Allegiance to the King, his Heirs and lawful Successors; And to abjure that Position, that it is lawful to depose Princes that are Excommunicated or Deprived by the Pope.

Whatever is added, is either *Oath* over and above what was express in the old *Oath of Fealty*, is but as Explanatory of it, and branching it out into such Particulars, as time and occasion required.

So that the *Oaths of Supremacy and Allegiance* not having altered the terms of *Allegiance*, due from the People of *England* to their Princes, if their Princes by antient *Laws of the Realm*, and by the *Practice of our Forefathers*, were liable to be deposed by the great Councils of the Nation, for *Male-administration*, *Oppressions*, and other *Exorbitances*, for not keeping their *Coronation-Oaths*, for *Insufficiency to govern*, &c. then they continue still liable to be deposed in like manner, the said *Oaths*, or any Obligation contracted thereby, notwithstanding.

For the *Practice of former times*, I shall begin with a very antient Precedent in the Kingdom of the *West-Saxons*, (viz.)

*Cudred* King of *West-Saxony* being dead, *Sigebert* his Kinsman succeeded him in that Kingdom, and held it but a small time; for being puffed up with Pride by the Successes of King *Cudred* his Predecessor, he grew insolent, and became intolerable to his People. And when he evil entreated them all manner of ways, and either wrested the *Laws* for his own Ends, or eluded them for his own Advantage; *Cumbra* one of his chief Officers, at the request of the whole People, intimated their Complaints to the Savage King. And because he persuaded the King to govern his People more mildly, and that laying aside his Barbarity, he would endeavour to appear acceptable to God and Man; the King immediately commanded him to be put to Death, and increasing his Tyranny, became more cruel and intolerable than before: whereupon in the beginning of the second Year of his Reign, because he was arriv'd to an incorrigible pitch of Pride and Wickedness, the NOBLES and the PEOPLE OF THE WHOLE KINGDOM assembled together, and upon MATURE DELIBERATION, did by UNANIMOUS CONSENT OF THEM ALL, drive him out of the Kingdom. In whose stead they chose *Kenwolp* an excellent Youth, and of the Royal Blood, to be King over the People and Kingdom of the *West-Saxons*. Collect. p. 769, 770. *ibid.* p. 795, 796.

*Cudredo* Rege *West-Saxiæ* defuncto, *Sigebertus* Cognatus ejus sibi in eodem Regno successit; brevi tamen tempore Regnum tenens, nam ex *Cudredi* Regis Predecessoris sui eventibus tumefactus, & insolens intolerabilis suis fuit cum autem eos modis omnibus male tractaret, legesque vel ad commodum suum depravaret, vel pro commodo suo devitaret, *Cumbra* Consul ejus Nobilissimus prece totius populi Regi fero eorum querimonias intimavit. Et quia ipse Regi suaserat, ut lenis Populum suum regeret, & inhumanitate deposita Deo & hominibus amabilis appareret, Rex eum impia nece mox interfici jubens, populo savior & intolerabilior quam prius suam tyrannidem augmentavit, unde in principio secundi Anni Regni sui cum incorrigibilis superbiæ & nequitiae esset, Congregati sunt PROCERES & POPULUS totius REGNI & eum PROVIDA DELIBERATIONE à Regno UNANIMI CONSENSU OMNIUM expellebant. Cujus loco *Kenwolp* juvenem egregium de Regiâ stirpe oriundum, in Regem super Populum & Regnum *Wex-Saxiæ* elegerunt. Collect. 769, 770. *ibidem*, p. 795, 796.

This Deposition of King *Sigebert* appears to have been done in a formal and orderly Manner; viz. in a Convention of the *Proceres* and the *Populus totius Regni*; and it was done *providâ deliberatione & unanimi Omnium Consensu*, and consequently was not an Act of Heat, Rebellion, or Tumultuary Insurrection of the People: But was what the whole Nation apprehended to be Legal, Just, and according to the Constitution of their Government, and no breach of their Oaths of Allegiance.

Nor have we any reason to wonder that the English Nation should free themselves in such a manner from Oppression, if we consider that by an antient Positive Law, Enacted in R. Edward the Conf. time; and confirmed by William the Conqueror, the Kings of England are liable to be deposed, if they turn Tyrants.

The King, because he is the Vicar of the Supream King, is constituted to this end and purpose, that he may govern his earthly Kingdom and the People of the Lord, and especially to govern and reverence God's holy Church, and defend it from Injuries, and root out, destroy, and wholly to extirpate all Wrong-doers. Which if he do not perform, HE SHALL NOT RETAIN SO MUCH AS THE NAME OF A KING. And a little after; The King must act all things according to Law, and by the Judgment of the Proceres Regni. For Right and Justice ought to reign in the Realm rather than a perverse Will. It is the Law that makes Right; but Wilfulness, Violence and Force is not Right. The King ought above all things to fear and love God, and to keep his Commandments throughout his Kingdom. He ought also to preserve, to cherish, maintain, govern and defend against its Adversaries, the Church within his Kingdom entirely and in all freedom, according to the Constitutions of the Fathers and of his Predecessors, that God may be honoured above all things, and always be had before Men's Eyes. He ought also to set up good Laws and approv'd Customs, and to abolish evil ones, and put them away in his Kingdom. He ought to do right Judgment in his Kingdom, and maintain Justice by advice of the Proceres Regni sui. All these things the King, in proper Person, looking upon, and touching the Holy Gospels, and upon the Holy and Sacred Relicks, must swear in the Prefence of his People and Clergy to do, before he be crown'd by the Archbishops and Bishops of the Kingdom. Lamb. of the Antient Laws of England, pag. 142.

*Rex autem, quia Vicarius summi Regis est, ad hoc est constitutus, ut Regnum terrenum & Populum Domini, & super omnia sanctam veneretur Ecclesiam ejus & regat, & ab injuriis defendat, & maleficos ab ea evellat & destruat, & penitus disper. Quod nisi fecerit, nec nomen Regis in eo constabit. Et pauld post; Debet Rex omnia rite facere in Regno, & per Judicium Procerum Regni. Debet enim Jus & Justitia magis regnare in Regno, quam voluntas prava. Lex est semper quod Jus facit; voluntas autem, Violentia & Vis non est Jus. Debet verò Rex Deum timere super omnia & diligere, & mandata ejus per totum Regum suum servare. Debet etiam sanctam Ecclesiam Regni sui cum omni integritate & libertate, juxta Constitutiones Patrum & Predecessorum, servare, fovere, manutenere, regere, & contra inimicos defendere, ita ut Deus præ cæteris honoretur, & præ oculis semper habeatur. Debet etiam bonas Leges & Consuetudines approbatas erigere, pravas autem delere, & omnes à Regno deponere. Debet Judicium rectum in Regno suo facere, & Justitiam per Consilium Procerum Regni sui tenere. Ista verò debet omnia Rex in propria personâ, inspectu & tactis sacrosanctis Evangelii, & super sacras & sanctas reliquias coram Regno & Sacerdotio & Clero jurare, antequam ab Archiepiscopis & Episcopis Regni coronetur. Lamb. de pricis Anglorum Legibus, p. 142.*

Another Instance of the Deposition of a King of England, subsequent to this Law, we find in King John's time, whose Oppressions and Tyrannical Government our Histories are full of. Of which take this following Account out of a very Antient Historian.

Whereas the said John had sworn solemnly at his Coronation, as the manner is, that he would preserve the Rights and Usages of the Church and Realm of England, yet contrary to his Oath, he subjected, as far as in him lay, the Kingdom of England, which has always been free, and made it tributary to the Pope, without the Advice and Consent of his Barons; subverting good Customs, and introducing evil ones, endeavouring by many Oppressions, and many ways, to enslave both the Church and the Realm, which

*Cum præfatus Johannes in Coronatione suâ solenniter, prout moris est, jurasset, se Jura & Consuetudines Ecclesie & Regni Anglia conservaturum, contra juramentum suum absque consilio vel consensu Baronum suorum idem Regnum, quod semper fuit liberum, quantum in ipso fuit, Domino Papa subjecit, & fecit tributarium, bonas consuetudines subvertens, malas inducens, tam Ecclesiam quam Regnum multis oppressionibus multisque modis studens ancillare, quas oppressiones vos melius nostis, quam nos, ut qui*  
Kkkkkk

which Oppressions you know better than I, as having felt them by manifold Experience. For which Causes, when after many Applications made, War was waged against him by his Barons; at last, amongst other things it was agreed, with his express Consent, that in case the said John should return to his former Villanies, the Barons should be at liberty to recede from their Allegiance to him, never to return to him more. But he, after a few days, made his latter end worse than his beginning, endeavouring not only to oppress his Barons, but wholly to exterminate them; who therefore in a GENERAL ASSEMBLY, and with the APPROBATION of ALL THE REALM, adjudging him unworthy to be King, chose US for their Lord and King. *Collect. p. 1868, 1869. Chron. W. Thorn.*

as familiari sensu experimento. Pro quibus, cum post multas requisitiones guerra mota esset contra ipsum à Baronibus suis, tandem inter cetera de ejus expresso Consensu, ita convenit, ut si idem Johannes ad flagitia prima rediret, ipsæ Barones ab ejus fidelitate recederent, nunquam ad eum postmodum reversuri. Verum ipsa nihilominus paucis diebus evolutis, fecit novissima sua peiora prioribus, studens Barones suos non tantum opprimere, sed potius penitus exterminare. Quis DE COMMUNI REGNI CONSILIO & APPROBATIONE ipsum Regno judicantes indignum, nos in Regem & Dominum elegerunt. *Collect. 1868, 1869. Chron. W. Thorn: Lewis his Letter to the Abbot of St. Auffsins, Canterbury.*

The next Instance shall be that of King Edward the Second; the Record of whose Deposition, if it were extant, would probably disclose all the Legal Formalities that were then accounted proper for the deposing an Unjust, Oppressive King: But they were cancelled and imbezled (as is highly probable from *Rastal's Stat. pag. 170, 171.* compar'd with the Articles exhibited in Parliament against King Richard the Second, of which hereafter) in King Richard the Second's time, and by his Order: Yet the Articles themselves are preserv'd in the *Collect.* and are as followeth; viz.

*Accorde est que Sire Edward Fitz aîné du Roy ait le Gouvernement du Royaume & soit Roy Couronne, par les causes que s'ensuivent.*

1. *Pour ceo que la Person le Roy n'est pas suffisant de Gouverner. Car en tout son temps il ad estre mené & gouverné par auters que ly ont mauvaîsment conseillex, à dishonour de ly & destruction de Saint Eglise, & de tout son Peuple sanz ceo que il le voulsist veer ou consuler lequel il fust bon ou mauvaîs ou remède mettre, au faire le voulsist quant il fust requis par les grans & sages de son Royaume, ou souffrir que amende fust faite.*

2. *Item, Par son temps il ne se voloît doner à bon Counsel, ne le croire, ne à bon Gouvernement de son Royaume, mes se ad done tous jours à Ouvrages & Occupations nient Convenables, enterloissant l'esloit des besoignes de son Royaume.*

3. *Item, Par default de bon gouvernement ad il perdu le Royaume d'Escoce, & auters Terres & Seigneuries en Gascoyne & Hyrland, les queux son Pere le leisa en pees & amitié du Roy de France, & deus mults des auters Grans.*

4. *Item, Par sa fierté & qualte & par mauvaîs Counsel ad il destruit Saint Eglise, & les Persons de Saint Eglise tenus en prison les uns: & les auters en distresse, & auxym plusors Grans & Nobles de sa terre mys à bonteuse mort, enprisonés, exulés & desheritez.*

5. *Item,*

It is accorded that Prince Edward, the King's eldest Son, shall have the Government of the Kingdom, and be crowned King for the Causes following.

1. For that the Person of the King is insufficient to govern: for that during his whole Reign he has been led and governed by others, who have given him evil Counsel, to his Dishonour, and the Destruction of Holy-Church, and of all his People; he being unwilling to consider or know what was good or evil, or to provide remedy, even when it was required of him by the great and wise Men of his Realm, or suffer any to be made.

2. Also, during all his time, he would neither hearken to, nor believe good Counsel, nor apply himself to the good Government of his Realm, but hath always given himself over to Things and Occupations altogether inconvenient, omitting in the mean time the necessary Affairs and Business of the Kingdom.

3. Also, For want of good Government, he hath lost the Kingdom of Scotland, and other Lands and Territories in Gascoyn and Ireland, which his Father left him in peace and friendship with the French King, and with many other Grandees.

4. Also, By his Pride and Arrogance and evil Counsel, he has destroyed Holy-Church, imprisoning some Persons thereof, and put others in distress. And also he hath put to a shameful death, imprisoned and disinherited many of the great Men, and Nobles of the Land.

5. Also,



5. Item, Là on il est tenuz par son serment à faire droit à toute il ne l'ad pas volu faire, par son propre profit & covetise de ly, & de ces maveis conseilaires, que ount este pres de ly, ne ad garde les auters Points del serment qu'il fist à son Coronnement, si come il fust tenuz.

6. Item, Il degnerpist son Royaulme & fist tant come en ly fust que son Royaulme & son Peuple fust perduz, & que pys est, par la cruauté de ly & desante de sa personne il est troué incorrigible sanz esperance de amendement, les queux choses sont si notoires, qu'il ne pount este desdits.

For these Causes, *De consilio & assensu omnium Prælatorum, Comitum & Baronum & totius Communitatis Regni, amatus est à regimine Regni.* [Apolog. *Adæ de Orleton Collect.* p. 2765, 2766.]

5. Also, Whereas he is bound by his Oath to administer Justice to all, he would not do it, through his own Covetousness, and that of Evil Counsellors, that were about him; neither hath he kept the other Points of the Oath, which he took at his Coronation, as he was bound.

6. Also, He hath wasted his Kingdom, and did what in him lay, that his Realm and People should be destroy'd; and, which is worse, by his Cruelty and personal Failings or Defects, he is found to be incorrigible, and past all hopes of amendment. All which things are so notorious, that they cannot be denied.

For these Causes, by advice and assent of all the Prelats, Earls and Barons, and of the whole Commonalty of the Kingdom, he was deposed from the Government. [*Apology of Adam de Orleton Collect.* p. 2765, 2766.]

These Proceedings against King Edward the Second are nowhere extant but in that Author. Which is the less to be wondred at, if we consider, that in King Richard the Second's time the King's parasitical Court-Favourites so influenced the Judges; That to the Question, *How he was to be punished, that moved in the Parliament, that the Statute should be sent for, whereby Edward, the Son of King Edward, was another time indicted in the Parliament?* They answered, *That as well he that moved, as the other who by force of the same motion brought the said Statute into the Parliament-House, be as Criminals and Traitors worthy to be punished.* V. Rastal's Statutes, 170, 171. (Tho for that and other extravagant, pernicious and treasonable Opinions delivered, those Judges were severely punished, as is notoriously known.) And also, That it was afterwards one Article of Impeachment against King Richard the Second, *That he had cancelled and razed sundry Records.*

In King Richard the Second's time, many Animosities arose from time to time betwixt him and his Parliaments; insomuch, that in the eleventh year of his Reign, the Parliament then sitting at London, the King absented himself from them, and staid at Eltham, refusing to come at them, and join with them in the Publick Affairs: upon which occasion, the Lords and Commons sent Messengers to him with an Address; which the Historian H. Knighton sets forth at large, and which I will here give the Reader a Transcript of at large, because it will afford many useful Inferences and Observations.

*Salubri igitur usi consilio, miserunt de communi Assensu totius Parliamenti Dominum Thomam de Wodestoke Ducem Gloucestriz, & Thomam de Arundell Episcopum Elyensem, ad Regem apud Eltham, qui salutarent eum ex parte Procerum & Communitatis Parliamenti sui, sub tali sensu verborum ei referentes vota eorum.*

Domine Rex, Proceres & Domini atque totus populus Communitatis Parliamenti vestri, cum humillimâ subjectione se commendant excellentissimo Regalis Dignitatis vestra, cupientes prosperum iter invincibilis honoris vestri contra inimicorum potentiam, & validissimum vinculum pacis & dilectionis cordis vestri erga subditos vestros, in augmentum commodi vestri erga Deum, & salutem animæ vestre, & ad inedicibilem consolationem totius Populi vestri quem regis: Ex quorum parte hæc vobis intimamus, Quod ex antiquo Statuto habemus, & consuetudine

Wherefore taking wholesome Advice, they sent by common Assent of the whole Parliament, the Lord Thomas de Woodstock Duke of Gloucester, and Thomas de Arundell Bishop of Ely, to the King to Eltham, to salute him on behalf of the Lords and Commons of his Parliament, who express'd their Desires to the King to this effect.

Sir, *The Lords, and all the Commons of your Parliament, have themselves commended to your most excellent Majesty, desiring the Success of your invincible Honour against the Power of your Enemies, and a most firm Bond of Peace and Love in your Heart towards your Subjects, for your good God-wards, and the good of your Soul, and to the unspeakable Comfort of all your People whom you govern: On whose behalf we intimate these things to you; That it appears to us by an ancient Statute, and by*

tudine laudabili & approbata, *enjay contrari-  
etati dici non valebit, quod Rex noster convocare  
potest Dominos & Proceres Regni atque Commu-  
nes semel in anno ad Parlamentum suum, tan-  
quam ad summam curiam totius Regni, in qua  
omnis equitas relucere deberet absque qualibet  
scrupulositate vel nota, tanquam Sol in ascensu  
meridiei, ubi pauperes & divites pro refrigerio  
tranquillitatis & pacis, & repulsione injurarum,  
refugium infallibile querere possent; ac etiam  
errata Regni reformare, & de Statu & Guber-  
natione Regis & Regni cum sapientiori consilio  
tractare, & in inimici Regis & Regni intrinseci  
& hostes extrinseci destruantur & repellantur,  
quomodo convenientius & honorificentius fieri  
poterit cum salubri tractatu in eo disponere &  
previdere; qualiter quaque onera incumbentia  
Regi & Regno levius ad ediam communitatis  
supportari poterunt. Videtur etiam iis, quod ex quo  
onera supportant incumbentia, habens etiam su-  
pervidere qualiter & per quos eorum bona & ca-  
talla expendantur. Dicunt etiam, quod habent  
ex antiquo Statuto, quod si Rex a Parlamen-  
to suo se alienaverit sua sponte, non aliqua  
infirmirate, aut aliqua alia de causa neces-  
sitatis, sed per immoderatam voluntatem pro-  
tervum se subtraxerit per absentiam temporis  
quadraginta dierum, tanquam de vexatione  
populi sui, & gravibus eorum expensis non  
curans, extunc licitum omnibus & singulis  
eorum absque domigerio Regis redire ad pro-  
pria, & unicuique eorum in patriam suam  
remeare: Et jam vos ex longiore tempore ab-  
sentastis, & qua de causa nesciunt, venire re-  
misiſtis. Ad hæc Rex, Jam plane considera-  
mus, quod Populus noster atque Communes in-  
tendunt resistere, atque contra nos insurgere  
moliantur; & in tali infestatione melius  
nobis non videtur, quin cognatum nostrum  
Regem Franciæ, & ab eo consilium  
& auxilium petere contra insidiantes, &  
nos ei submittere potius quam succum-  
bere subditis nostris. Ad hæc illi re-  
sponderunt, Non est hoc vobis sanum con-  
siliū, sed magis ducens ad inevitabile de-  
trimentum; nam Rex Franciæ capitalis i-  
nimicus vester est, & Regni vestri ad-  
versarius permaximus; & si in terram  
Regni vestri pedem figeret potius, vos  
spoliare laboraret, & Regnum vestrum  
invadere, vosque a sublimitate Regalis  
solii expellere, quam vobis aliquatenus  
manus adiutrices cum favore apponere;  
si, quod absit, ejus suffragio quandoque  
indigeretis. Ad memoriam igitur revoca-  
tis, qualiter avus vester Edwardus tertius  
Rex, & similiter pater Edwardus Princeps  
nomine ejus in sudore & angustis in omni  
tempore suo per innumerales labores in  
frigori & calore certaverunt indefesse pro  
conquisitione Regni Franciæ, quod eis jure  
hereditario atinebat, & vobis per successio-  
nem post eos. Reminiscimini quoque qualiter  
Domini Regni & Proceres atque Communes*

*by laudable and approved Usage, which cannot  
be deny'd, that our King can call together  
the Peers of the Realm, and the Commons,  
once a year to his Parliament, as to the  
supream Court of the whole Kingdom, in  
which all Right and Justice ought to shine  
forth without any doubt or stain, as the  
Sun at Noon-day, where Poor and Rich  
may find an infallible Refuge, to enjoy the  
Refreshments of Tranquillity and Peace,  
and for repelling of Injuries; where also  
Errors in Government are to be reformed,  
and the State and Government of King and  
Kingdom treated upon by sage Advice, and  
the destroying and repelling of both in-  
testine and foreign Enemies to the King  
and Kingdom, with most Convenience and  
Honour, may be debated upon, and pro-  
vided for; as also in what manner the  
Charges incumbent upon the King and  
Kingdom may be born with most ease to  
the Commonalty. They conceive likewise,  
that since they bear the incumbent Charges,  
it concerns them to inspect how and by  
whom their Goods and Chattels are ex-  
pended. They say also, that it appears to  
them by an ancient Statute, that if the King  
absent himself from his Parliament volun-  
tarily, not by reason of Sickness, or for  
any other necessary cause, but through an  
inordinate Will shall wantonly absent him-  
self by the space of forty days; as not re-  
garding the Vexation of his People, and  
their great Expences, it shall then be law-  
ful to all and singular of them to return to  
their own Homes without the King's leave:  
And you have now been longer absent, and  
have refused to come to them, for what  
cause they know not. Then said the King,  
I now plainly see that my People and the  
Commons design to oppose me with Force,  
and are about to make an Insurrection a-  
gainst me: And if I be so infested, I think  
the best course I can take will be to my  
Cousin the King of France, and ask his Ad-  
vice, and pray in aid of him against those  
that way-lay me, and rather to submit my self  
to him, than be foil'd by my own Subjects. To  
which they reply'd, That Counsel is not for your  
good, but will inevitably tend to your ruin, for  
the King of France is your capital Enemy, and  
the greatest Adversary that your Kingdom has;  
and if he should set his foot within your King-  
dom, he would rather endeavour to prey upon  
you, and invade your Realm, and to depose you  
from your Royal Dignity, than afford you any  
Assistance, if, which God forbid, you should stand  
in need of his help. Call to mind therefore,  
how your Grand-father King Edward III,  
and your Father Prince Edward for him,  
sought indefatigably in Sweat and Sorrow  
all their days, and went through innume-  
rable Hardships of Cold and Heat, to ac-  
quire the Kingdom of France, which by he-  
reditary*

innumerabiles tam de Regno Angliæ quam Franciæ, Reges quoque & Domini de aliis Regnis atque populis innumerabiles in Guerrâ illâ mortem & mortis periculum sustinuerunt, bona quoque & catalla inestimabilia & thesauros innumerabiles pro sustentatione hujus guerræ, Communes Regni hujus indefesse effuderunt. Et quod gravius dolendum est, jam in diebus vestris tanta onera iis imposita pro guerris vestris sustinendis, supportaverunt, quod ad tantam pauperiem incredibilem deducti sunt, quod nec redditus suos pro suis tenementis solvere possunt, nec Regi subvenire, nec vitæ necessaria sibi ipsis ministrare; & depauperatur Regia potestas, & Dominorum Regni, & magnatum infelicitas adducitur, itaque totius populi debilitas. Nam Rex depauperari nequit, qui divitem habet populum; nec dives esse potest, qui pauperes habet communes. Et mala hæc omnia redundant non solum Regi, sed & omnibus & singulis Dominis & Proceribus Regni, unicuique in suo gradu. Et hæc omnia eveniunt per iniquos ministros Regis, qui malè gubernaverunt Regem & Regnum usque in præsent. Et nisi manus citius apponamus adiutrices, & remediis sulcimentum adhibeamus, Regnum Angliæ dolorose attenuabitur tempore, quo minus opinamur. Sed & unum aliud de nuncio nostro superest nobis ex parte populi vestri vobis intimare. Habent enim EX ANTIQUO STATUTO, & de facto non longe retroactis temporibus experienter quod dolendum est habito, si Rex, EX MALIGNO CONSILIO QUOCUNQUE, vel INEPTA CONTUMACIA, aut CONTEMPTU, seu PROTERVA VOLUNTATE SINGULARI, aut QUOVIS MODO IRREGULARI, se alienaverit à populo suo, nec voluerit per jura Regni, & Statuta ac laudabiles Ordinationes, cum salubri consilio Dominorum & Procerum Regni gubernari & regulari, sed captose in suis insanis consiliis propriam voluntatem suam singularem proterve exercere, extunc licitum est iis, cum communi assensu & consensu Populi Regni ipsum REGEM DE REGALI SOLIO ABROGARE, & propinquiorem aliquem de stirpe Regiæ loco ejus in Regni solio sublimare. H. Knighton, Collect. 2681.

reditary Right appertain'd to Them, and does now to You by Succession after them. Remember likewise, how innutherable Lords and Commons of both Realms, and Kings and Gentlemen of other Kingdoms, and People innumerable, perished; or hazarded perishing, in that War; and that the Commons of this Realm pour'd out Goods of inestimable value, and innumerable Sums of Money, for the carrying on of that same War; and; which is more to be lamented, they have now in your days undergone such heavy Taxes towards the maintaining of your Wars, that they are reduced to such incredible Poverty, that they cannot so much as pay their Rents for their Farms, nor aid the King, nor afford themselves Necessaries; and the King himself is impoverish'd, and the Lords become uneasy, and all the People faint; for a King cannot become poor, that has a rich People; nor can he be rich, whose People are poor. And all these Mischiefs redound not to the King only, but also to all and singular the Peers of the Realm, in proportion: And all these Mischiefs happen by means of the King's Evil Ministers, who have hitherto misgovern'd both the King and Kingdom; and if some course be not taken, the Kingdom of England will be miserably diminish'd sooner than we are aware. But there remains yet another part of our Message, which we have to impart to you on the behalf of your People. They find in an *antient Statute*, and it has been done in fact not long ago, That if the King, through any Evil Counsel, or foolish Contumacy, or out of Scorn, or some singular petulant Will of his own, or by any other irregular Means, shall alienate himself from his People, and shall refuse to be govern'd and guided by the *Laws of the Realm, and the Statutes and laudable Ordinances thereof*, together with the wholesome Advice of the Lords and great Men of his Realm, but persisting headstrong in his own hare-brain'd Counsels, shall petulantly prosecute his own singular humour, That then it shall be lawful for them, with the common assent and consent of the People of the Realm, to depose that same King from his Regal Throne, and to set up some other of the Royal Blood in his room. H. Knight. Coll. 2681.

No Man can imagine that the Lords and Commons in Parliament would have sent the King such a Message, and have quoted to him an old *Statute for deposing Kings* that would not govern according to Law, if the People of England had then apprehended that an Obedience without reserve was due to the King, or if there had not been such a Statute in being. And though the Record of that *Excellent Law* be lost, as the Records of almost all our Antient Laws are; yet is the Testimony of so credible an Historian, who lived when these things were transacted, sufficient to inform us, that such a Law was then known and in being, and consequently that the *Terms of English Allegiance*, according to the *Constitution of our Government*, are different from what some Modern Authors would persuade us they are.



This Difference betwixt the said King and his Parliament ended amicably betwixt them, in the punishment of many Evil Counsellors, by whom the King had been influenced to commit many Irregularities in Government.

But the Discontents of the People grew higher by his After-management of Affairs, and ended in the Deposition of that King, and setting up of another, who was not the next Heir in Lineal Succession.

The Articles against King Richard the Second may be read at large in *H. Knighton*, Collect. 2746, 2747, &c. and are yet extant upon Record. An Abridgment of them is in *Cotton's Records*, pag. 386, 387, 388. out of whom I observe these few, there being in all Thirty three.

The First was, *His wasting and bestowing the Lands of the Crown upon unworthy Persons, and overcharging the Commons with Exactions. And that whereas certain Lords Spiritual and Temporal, were assign'd in Parliament to intend the Government of the Kingdom, the King by a Conventicle of his own Accomplices endeavoured to impeach them of High-Treason.*

Another was, *For that the King by undue means procured divers Justices to speak against the Law, to the destruction of the Duke of Gloucester, and the Earls of Arundel and Warwick at Shrewsbury.*

Another, *For that the King, against his own Promise and Pardon at a solemn Procession, apprehended the Duke of Gloucester, and sent him to Calice, there to be choaked and murdered, beheading the Earl of Arundel, and banishing the Earl of Warwick, and the Lord Cobham.*

Another, *For that the King's Retinue, and a Rout gathered by him out of Cheshire, committed divers Murders, Rapes, and other Felonies, and refused to pay for their Victuals.*

Another, *For that the Crown of England being freed from the Pope, and all other Foreign Power, the King notwithstanding procured the Pope's Excommunication on such as should break the Ordinances of the last Parliament, in derogation of the Crown, Statutes and Laws of the Realm.*

Another, *That he made Men Sheriffs, who were not named to him by the Great Officers, the Justices and others of his Council; and who were unfit, contrary to the Laws of the Realm, and in manifest breach of his Oath.*

Another, *For that he did not repay to his Subjects the Debts that he had borrowed of them.*

Another, *For that the King refused to execute the Laws, saying, That the Laws were in his Mouth and Breast, and that himself alone could make and alter the Laws.*

Another, *For causing Sheriffs to continue in Office above a Year, contrary to the tenor of a Statute-Law, thereby incurring notorious Perjury.*

Another, *For that the said King procured Knights of the Shires to be returned to serve his own Will.*

Another, *For that many Justices, for their good Counsel given to the King, were with evil Countenance and Threats rewarded.*

Another, *For that the King passing into Ireland, had carried with him, without the Consent of the Estates of the Realm, the Treasure, Reliques, and other Jewels of the Realm, which were used safely to be kept in the King's own Coffers from all hazard; And for that the said King cancelled and razed sundry Records.*

Another, *For that the said King appear'd by his Letters to the Pope, to Foreign Princes, and to his Subjects, so variable, so dissembling, and so unfaithful and inconstant, that no Man could trust him, that knew him; insomuch, that he was a Scandal both to himself and the Kingdom.*

Another, *That the King would commonly say amongst the Nobles, that all Subjects Lives, Lands and Goods were in his hands without any forfeiture; which is altogether contrary to the Laws and Usages of the Realm.*

Another,

Another, For that he suffered his Subjects to be condemned by Martial-Law, contrary to his Oath, and the Laws of the Realm.

Another, For that whereas the Subjects of England are sufficiently bound to the King by their Allegiance, yet the said King compell'd them to take new Oaths.

These Articles, with some others, not altogether of so general a concern, being considered, and the King himself confessing his Defects, the same seemed sufficient to the whole Estates for the King's Deposition, and he was depos'd accordingly.

The Substance and Drift of all is, That our Kings were antiently liable to, and might lawfully be depos'd for Oppression and Tyranny, for Insufficiency to govern, &c. in and by the great Council of the Nation, without any breach of the old Oath of Fealty; because (to say nothing of the nature of our Constitution) express and positive Laws warranted such Proceedings: And therefore, the Frame of our Government being the same still, and the Terms of our Allegiance being the same now that they were then, without any new Obligations superinduced by the Oaths of Allegiance and Supremacy, a King of England may legally at this day, for sufficient cause, be depos'd by the Lords and Commons assembled in a Great Council of the Kingdom, without any breach of the present Oaths of Supremacy or Allegiance. *Quod erat demonstrandum.*

## M A N T I S S A.

W H E N Stephen was King of England, whom the People had chosen rather than submit to Mawd, tho' the Great Men of the Realm had sworn Fealty to her in her Father's life-time, Henry Duke of Anjou, Son of the said Mawd, afterwards King Henry the Second, invaded the Kingdom *An. Dom. 1153*, which was towards the latter-end of King Stephen's Reign; and Theobald Archbishop of Canterbury endeavoured to mediate a Peace betwixt them, speaking frequently with the King in private, and sending many Messages to the Duke; and Henry Bishop of Winchester took pains likewise to make them Friends. *Factum est autem, ut mense Novembris, in fine mensis, EX PRÆCEPTO REGIS ET DUCIS, convenirent apud Wintoniam Præsules & Principes Regni, ut & ipsi jam initæ paci præberent assensum, & unanimiter juramenti Sacramento confirmarent, i.e.* It came to pass, that in the Month of November, towards the latter end of the Month, at the summons of the King and of the Duke, the Prelats and Great Men of the Kingdom were assembled at Winchester, that they also might assent to the Peace that was concluded, and unanimously swear to observe it.

Collect. pag.  
1374. 1375.

In that Parliament the Duke was declared King Stephen's adopted Son, and Heir of the Kingdom, and the King to retain the Government during his Life.

I observe only upon this Authority, That there being a Controversy betwixt the King and the Duke, which could no otherwise be determined and settled but in a Parliament, the Summons of this Parliament were issued in the Names of both Parties concerned.

*Quisquis habet aures ad audiendum, audiat.*

F I N I S.